

Appendix A: Public Involvement

Appendix A-1: Scoping Report

SCOPING SUMMARY REPORT

SEARCHLIGHT WIND ENERGY PROJECT ENVIRONMENTAL IMPACT STATEMENT

(NVN-084626 Searchlight Wind Energy Project and
NVN-085777 Western Area Power Administration Substation)

Prepared for:
**U.S. Department of Interior
Bureau of Land Management
Las Vegas Field Office
Las Vegas, Nevada**

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LIST OF ACRONYMS

BLM	Bureau of Land Management
CFR	Code of Federal Regulations
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
FAA	Federal Aviation Administration
GIS	geographic information system
kV	kilovolt
MW	megawatt
NEPA	National Environmental Policy Act of 1969
NOI	Notice of Intent
O&M	operations and maintenance
ROW	right-of-way
Western	Western Area Power Administration

1.0 INTRODUCTION

1.1 OVERVIEW

The U.S. Department of the Interior, Bureau of Land Management (BLM), Las Vegas Field Office is preparing an environmental impact statement (EIS) to identify the potential effects of the construction, operation, and maintenance of the proposed Searchlight Wind Energy Project. The 370-megawatt¹ (MW) wind power generating facility and ancillary facilities would be located in an area near Searchlight, Nevada. The EIS is being prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321), as amended, and the Council on Environmental Quality regulations (Title 40 Code of Federal Regulations [CFR] parts 1500-1508). As part of the EIS process, BLM will solicit and consider the views of interested parties.

This report summarizes the scoping process and comments received on the proposed project. Scoping is the first step and an integral part of the EIS process. It is “an early and open process for determining the issues to be addressed and for identifying the significant issues related to a proposed action” (40 CFR Part 1501.7). During scoping, BLM actively seeks to engage potentially affected or interested federal, state, and local agencies; American Indian tribes; and the public. Scoping for this EIS commenced on December 16, 2008, with the publication of a Notice of Intent (NOI) in the *Federal Register* (Appendix A), and concluded on February 17, 2009.

1.2 BACKGROUND

Searchlight Wind LLC (Searchlight Wind), a wholly owned subsidiary of Duke Energy, proposes to construct a 370-MW wind energy facility near Searchlight, Nevada, on public land administered by the BLM Las Vegas Field Office.

The purpose of the proposed project is to create an economically viable source of clean renewable electricity. The proposed project is responsive to federal and state renewable energy policies. Because wind is a local resource, the proposed project would contribute to domestic energy security while reducing greenhouse gases created by generating energy through the use of fossil fuels.

The primary components, as presented at the public scoping meetings of the proposed facility, are as follows:

- Up to 161 wind turbines, including concrete foundations, tubular steel towers, nacelles, and blades;
- Access roads;
- Electrical collection system (wind turbines to Searchlight Wind Substation);
- Communication lines;

¹ Note: When the NOI was published in December 2008, Searchlight Wind proposed a 359 MW wind generating facility. In January 2009, the proposed project was revised to generate 370 MW.

- Up to 161 pad-mount transformers, one located at the base of each wind turbine;
- Two electrical substations (one would be owned and operated by Western Area Power Administration [Western], one would be owned and operated by Searchlight Wind);
- Electrical transmission line (running between Western Substation and Searchlight Wind Substation);
- Operations and maintenance (O&M) building;
- Electrical interconnection (would be owned and operated by Western);
- Two lay down areas (one temporary, one permanent); and
- Up to five permanent meteorological masts.

1.3 PROJECT LOCATION

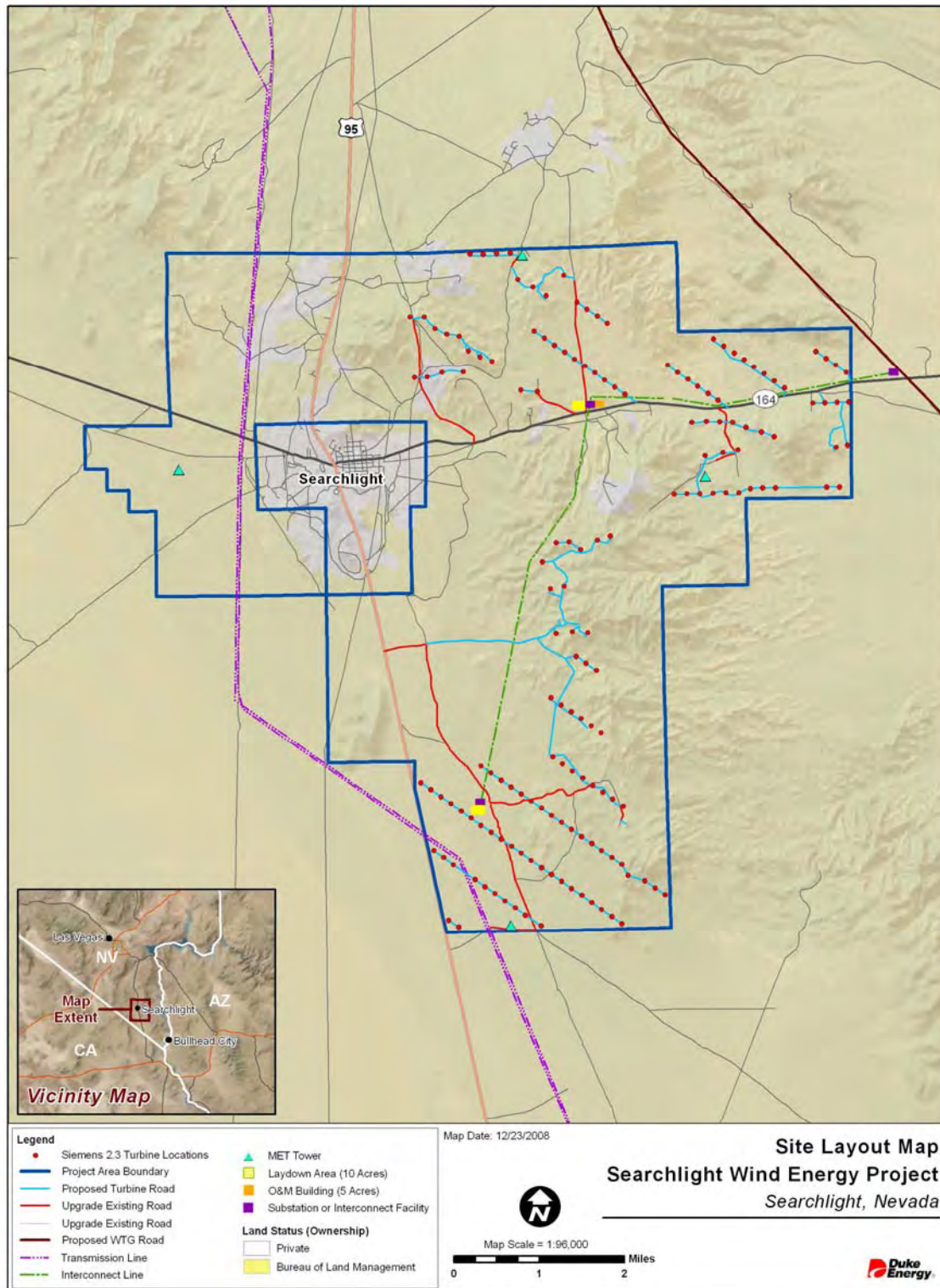
Searchlight Wind has submitted a right-of-way (ROW) application for 24,383 acres near Searchlight, Nevada, approximately 55 miles south of Las Vegas, Nevada, and 39 miles north of Laughlin, Nevada (Map 1-1). Proposed construction activities will encompass approximately 600 acres of disturbance, which includes approximately 120 acres of permanent disturbance and approximately 480 acres of temporary disturbance for construction activities. The total area estimated to be used by the project (all facilities and temporary disturbance) is approximately 2.1 percent of the total ROW. The permanent footprint of the wind energy facility will constitute 0.5 percent of the ROW.

1.4 PROJECT UPDATES

The initial Plan of Development for the proposed project was submitted in January 2008. Since then, formal and informal comments, along with engineering constraints, have resulted in the following changes to the proposed project design:

- All turbines would be located on the east side of the town of Searchlight to avoid surrounding the community.
- No turbines would be located on private property.
- All turbines would be moved back from the Searchlight airport to comply with Federal Aviation Administration (FAA) setback requirements for small airports.
- The total number of turbines proposed has been reduced from 161 (as presented in the scoping process) to 140.
- Roads and transmission lines have been adjusted for the revised design.
- Meteorological Tower Number 4 has been moved from west of the project area to southeast of the project area.
- Additional design details are provided concerning typical foundations, road design, construction methods and the potential for an on-site cement batch plan.

Map 1-1 Site Layout Map (as presented during scoping)



2.0 SCOPING PROCESS

This section provides a summary of the objectives of scoping and a description of the scoping process and agency coordination for the Searchlight Wind Energy Project.

2.1 OBJECTIVES

The objectives of the scoping process include the following:

- Invite affected federal, state, and local agencies; affected Native American tribes; and the public to:
 - Establish a process to integrate and expedite environmental reviews
 - Establish the planning and decision-making schedule
- Determine the scope of the project, including the range of actions, alternatives, and impacts to be considered in an EIS;
- Identify:
 - Issues that have been covered by prior environmental review that can be eliminated from detailed study
 - Any environmental assessments and other EISs being prepared, or that are planned for preparation, that are related to but are not part of the scope of the EIS under consideration
 - Other environmental review and consultation requirements (i.e., Endangered Species Act, Historic Preservation Act) so required analyses and studies can be prepared and integrated with the EIS

2.2 DESCRIPTION OF THE SCOPING PROCESS

The following section describes methods used to involve the public, notify them of scoping meetings, and facilitate exchange of current project information throughout the planning process.

2.2.1 Announcements

2.2.1.1 Notice of Intent

The public was notified of the project and upcoming scoping meetings through the NOI published in the *Federal Register* (<http://edocket.access.gpo.gov/2008/E8-29686.htm>) on December 16, 2008 (Appendix A). The NOI announced the intent to prepare an EIS and indicated that scoping meetings would be held in Boulder City, Laughlin, and Searchlight, Nevada. The NOI also stated that the specific dates, locations, and times of the scoping meetings would be announced through mail distribution on the BLM website (http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy.html) and in the local media. In addition, the NOI provided project information including a description of proposed facilities, the

project location, information on how to submit comments and why they are important, and BLM contact information.

2.2.1.2 Newsletters

The public and many agencies were notified of the scoping period and comment opportunities through a newsletter (Appendix A) distributed to approximately 814 people on January 16, 2009. The initial mailing list was provided by the BLM Las Vegas Field Office and included addresses of current local elected or municipal officials, federal and state agencies, potentially interested Native American tribes, and other interested parties. All post office box holders in zip codes 89046 (Searchlight, Nevada) and 89039 (Cal-Nev-Ari, Nevada) were sent a copy of the newsletter. The newsletter provided information for submitting comments via mail, fax, and e-mail, and included the direct contact information for the BLM Project Manager, Mark Chandler. The mailing list will be supplemented throughout the project to include those who provide scoping comments, attend meetings, or express to the BLM their interest in the project through the project website or direct request.

2.2.1.3 Media Contacts

The public was also notified of the scoping meetings through advertisements published in local newspapers, as listed in Table 2-1 (refer to Appendix A for a copy of the display advertisement). The table provides information on the publication, area of coverage, and print dates for the advertisements.

Initial public notice of the scoping meeting dates, times and locations were published, 15 days in advance of the first meeting, in a display advertisement in the Las Vegas Review Journal on January 12, 2008. This advertisement ran again on January 18, 2008.

Advertisements were also placed in the Boulder City News (January 15, 2008) and the Laughlin Times (January 14, 2008). Approximately 50 flyers announcing the meetings were posted in local gathering places in Searchlight and the surrounding communities. This service was provided by the Desert Flyer, a newsletter local to the Searchlight area.

Table 2-1 Display Advertisement Summary – January 2009

Publication	Area of Coverage	Print Date
Las Vegas Review Journal	Las Vegas metropolitan area, southern Nevada	January 12, 18
Boulder City News	Boulder City, Nevada	January 15
Laughlin Times	Laughlin, Nevada	January 14
Desert Flyer (posted flyers)	Laughlin to Nelson, Nevada	January 12

News releases were distributed to newspapers, radio, and television stations and to community newsletters on January 22, 2009, to assist with public notification. A copy of the news release and the media outlets to which it was distributed are included in Appendix A.

2.2.2 Public Scoping Meetings

Three public scoping meetings were held for the proposed project. At each scoping meeting, representatives from URS Corporation (the environmental consultant assisting the BLM with the EIS), the BLM, and Searchlight Wind provided a presentation on the NEPA process, the proposed project and associated facilities, and how to provide scoping comments. Display boards were provided showing information on the project purpose and need, project description, planning process, purpose of the scoping process, and public comment opportunities. Before and after the presentation, an open house atmosphere was maintained during which attendees could review the display boards and speak informally to project team members.

Meeting attendees were encouraged to ask questions and provide comments both during and after the presentation, or one-on-one during the open house portion of the public scoping meetings. Comment forms were available at each meeting for attendees to provide written comments at the time of the meeting or to return by mail. Locations, dates, and attendance of each public meeting are provided in Table 2-2. Copies of scoping meeting materials including the presentation, display boards, and the comment form are provided in Appendix B.

Table 2-2 Public Scoping Meeting Attendance

Location	Date	Attendance
Searchlight, Nevada – Searchlight Community Center	January 27, 2009	73
Laughlin, Nevada – William G. Bennett Elementary School	January 28, 2009	4
Boulder City, Nevada – Boulder City Library	January 29, 2009	36
Total Attendance at Scoping Meetings		113

2.2.3 Project Website

To ensure the ease of public access, the project newsletter and the draft project Plan of Development were both posted on a BLM Web page at http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy.html. A copy of this scoping report will be posted to the project website in April 2009.

3.0 SUMMARY OF SCOPING COMMENTS

3.1 INTRODUCTION

This section provides: (1) summaries of the method used to organize and analyze comments; (2) the number of comments received; (3) the number of issues identified within those comments; (4) summaries of issues identified during scoping; (5) BLM management concerns that were identified independent of public or agency scoping comments; and (6) a list of issues that will not be identified in the EIS with justification as to why they will not be addressed. All the scoping comments documented in this report were received or postmarked by the close of the comment period on February 17, 2009.

Comments regarding the proposed project and alternatives to the proposed project will be considered by the BLM in refining the project description and alternatives that will serve as the basis for assessing impacts. The Council on Environmental Quality regulations implementing NEPA requires an analysis of available alternative actions prior to selecting the preferred alternative action. Input on alternatives will be considered in the analysis and text of the EIS. Chapter 2 of the EIS will describe which alternatives were considered but were not carried forward for detailed analysis in the EIS.

The Council on Environmental Quality regulations require an analysis of the impacts of a project on the “human environment.” These impacts include effects on natural, human, and cultural resources. Discussions with affected public or agencies, such as those that have occurred through this scoping effort, help to define and evaluate effects of the different alternatives on the human environment. Comments relating to environmental impacts will be considered by BLM in developing the scope of EIS technical studies. Chapters 3 (Affected Environment) and 4 (Environmental Consequences) of the EIS will address the issues incorporated into the study. Concerns about the EIS studies and decision-making processes will be considered in refining and modifying the EIS process throughout the remainder of the EIS preparation.

Some comments may be considered outside the scope of this EIS if: (1) the issue relates to facilities not included in this project; (2) the issue is not within the jurisdiction of BLM to resolve; or (3) the issue cannot be reasonably addressed within the scope of this process or is being addressed through a separate NEPA process. In addition, personal opinions of individuals or special interest groups about the proposed project, wind power, the BLM, and other topics are also considered outside the scope of the EIS and will not be addressed. Issues that will not be addressed are identified by issue or resource in Section 3.8.

3.2 COMMENT ORGANIZATION

The comment forms, e-mails, and mailed and faxed letters received through February 17, 2009, were reviewed, documented, and entered into a database to facilitate organization, sorting, analytical review, and to manage comments. The database was structured to organize comments into separate issue categories and identify the type of comment (e.g., letter, e-mail, fax, postcard, or telephone record). Using the experience and professional judgment of the study team, the comments were organized according to 14 major issue categories as they relate to the EIS. The issue categories are as follows and described in detail in Section 3.5.

Actions and Alternatives: This category includes comments about various aspects and components of the proposed project. Comments also indicate suggestions for and concerns about alternative facilities that should be considered in the EIS. Comments also identified topics relative to the planning and EIS preparation process, including public review opportunities. Identified issue categories are:

- Process (including EIS preparation and studies)
- Project Alternatives
- Project Description
- Project Need

Environmental Impacts: This category includes comments about the proposed project's potential impacts on natural resources, human resources, and cultural resources as well as comments about social and economic concerns. Topic categories include the following:

- Air Quality
- Cultural/Archaeology
- Hazardous Materials/Safety
- Land Use/Transportation
- Noise/Vibration
- Socioeconomics
- Vegetation/Wildlife
- Visual Resources
- Water Resources
- Cumulative Effects

3.3 SIGNIFICANT ISSUES AND ANTICIPATED ANALYSIS

NEPA requires federal agencies to focus their analysis and documentation on the significant issues related to a proposed action. Significant issues serve as the basis for developing and comparing alternatives. The BLM has identified significant issues associated with the proposed project; these are presented in Sections 3.5, 3.6, and 3.7. Issues include those raised externally during the public scoping process and those developed internally by the BLM. The significant issues are stated in the form of a question by resource category. These issues are analyzed in the EIS. Issues identified during scoping but not considered significant are addressed in Section 3.8 and are not carried forward in the EIS.

3.4 SUMMARY OF PUBLIC COMMENTS

Quantifying comments and issues is helpful in summarizing comments for public review and helping to guide future EIS studies. This process requires the coder to interpret comments in order to glean and categorize any substantive issues. While definitive parameters are established around each category, it must be noted that categorizing comments is a subjective process.

The level of importance of comments to BLM or to the decision-making process is not influenced by the frequency of a specific issue. The BLM takes all substantive issues into consideration regardless of the number of comments in which they occur. For instance, numerous copies of the same form letter may be submitted by unique individuals, or a person may have attended several scoping meetings or mentioned the same issue several times in their letter. In these cases, issues would be recorded several times. However, if a substantive comment appears only once, it will have the same level of importance as those mentioned more frequently.

A total of 66 comment submissions were received and entered into the project database. The individual issues within each comment were classified into the 14 main categories of issues (discussed in Section 3.2 above), and 58 categories of sub-issues. For example, if a comment stated a concern about use of land for recreation (i.e., hiking or hunting), the comment was listed under the main issue of land use, sub-issue of recreation. Similarly, if a comment questioned noise from construction equipment, noise/vibration was identified as the main issue, with construction noise as the sub-issue. This organization allowed the project team to identify, quantify, and analyze public concern during preparation of this scoping report and the EIS. It also allowed team members to identify issues at a very detailed level while maintaining the context of each comment. If a comment mentioned multiple issues, it was categorized as belonging to each of those issues. These comments and issues are summarized in Section 3.4 along with a sample of representative quotations.

Within the 66 comment submissions received, 384 issues were identified and categorized into the 14 main issue categories. In some instances, a single letter may mention the same issue multiple times through various statements. Each statement was entered into the project database and categorized as to issue and sub-issue. Table 3-1 summarizes the volume of comments received on each of the 14 main issue categories.

Table 3-1 Comment Summary

Main Issue	Total Comments	Percent Based on Total Comments Identified*
Air Quality	19	5
Cultural/Archaeology	16	4
Cumulative Effects	8	2
Hazardous Materials/Safety	31	8
Land Use/Transportation	32	8
Noise/Vibration	16	4
Process	12	3
Project Alternatives	41	11
Project Description	33	9
Project Need	2	0.5
Socioeconomics	45	12
Vegetation/Wildlife	82	21
Visual Resources	40	10
Water	7	2
Total Unique Comments	384	99.5

NOTE: *Due to rounding and comment submissions not relevant to comment categories (i.e., mailing list submissions), the total does not equal 100 percent.

As noted in the table above, concerns about vegetation/wildlife were most frequently mentioned, appearing in 21 percent of total comments received. In this category, concerns about impacts on special status species/habitat were most prevalent, appearing in 32 percent of comments within vegetation/wildlife. Section 3.5.2.8 contains representative questions illustrating these concerns.

Socioeconomic issues were present in 12 percent of total comments received. Specifically, property values and quality of life were the highest areas of concern in the socioeconomic category, occurring respectively in 33 percent and 18 percent of comments in this category. Section 3.5.2.7 contains representative questions illustrating these concerns.

Project alternative suggestions (11 percent of total comments) were also relatively high. Sixty-six percent of comments in this category included suggestions on alternative locations, while 29 percent of comments included questions about other forms of renewable energy. Section 3.5.1.2 (project alternatives) contains representative questions illustrating these concerns.

Concerns about impacts on visual resources occurred in 10 percent of total comments received. Main issues occurring within the visual resources category were direct facility impacts and impacts on the scenic quality of the project area, occurring respectively in 58 percent and 28 percent of the comments in this category. Section 3.5.2.9 (visual resources) contains representative questions illustrating these concerns.

Questions regarding plans for the proposed project made up the project description category and were expressed in 9 percent of all comments. The majority of these comments were related to land disturbance (21 percent of total comments in this category), land restoration (15 percent of total comments in this

category), and transmission/substation (15 percent of total comments in this category) concerns. Section 3.5.1.3 (project description) contains representative questions illustrating these concerns.

Hazardous materials/safety issues occurred in 8 percent of all comments; the majority of which (68 percent) concerned air safety resulting from facility height, lights, or communication/signal interference. Section 3.5.2.4 (hazardous materials/safety) contains representative questions illustrating these concerns.

Comments concerning land use/transportation, specifically, recreation concerns (34 percent of total comments in this category) and adjacent land use concerns (31 percent of total comments in this category), were also noted in 8 percent of total comments received. Section 3.5.2.5 (land use/transportation) contains representative questions illustrating these concerns.

3.5 ISSUES IDENTIFIED DURING SCOPING

The following section provides a summary of unique comment issues identified during scoping, including a sample of representative questions. Some statements serve to summarize dozens of comments, while others summarize one comment. The method used to identify and categorize issues is discussed in Sections 3.2 and 3.3.

3.5.1 Actions and Alternatives

3.5.1.1 Process

Comments in this category primarily questioned the scoping and public involvement processes. Some questions were received on studies being done for the project or additional studies that should be completed for the EIS.

- If studies were being done, why was it nearly a year before local residents learned of the project?
- Why is the Plan of Development incomplete?
- At the scoping meeting, what was the reason the boundaries on the maps did not match?
- Why were residents of Grandpa's Road and Cottonwood Cove not contacted about this project?
- With other renewable generation projects proposed in Nevada and California, is there a study on shared access and transmission for these projects?
- Some studies appear incomplete. Will more engineering and meteorological studies be prepared before BLM makes a decision on project viability and location?

3.5.1.2 Project Alternatives

Comments in this category suggested alternative locations and actions for the project.

- Why has Searchlight Wind proposed a wind facility and not a solar generation plant?
- Wouldn't small-scale rooftop wind or solar generators be a better option?
- Why put the wind towers in plain view of the town when there is so much uninhabited land available?
- Why is the Searchlight area the chosen location for the project when other areas have much better rated wind generating capacity?
- Why not consider areas to the north of Searchlight, beyond the ridges, or along the highway?
- Why not put the turbines in an already industrial or developed area?
- Is it possible for power lines to be buried?

3.5.1.3 Project Description

Comments in this category are related to specifications of the proposed project.

- How much energy will be lost during transmission?
- Can power lines be run underground?
- After the estimated 20-year life of the project, why isn't replacement of components and facilities addressed as an option?
- What is the restoration plan for the 600 acres of land that will be disturbed?
- Why is such a large area (24,000 acres) being requested in the right-of-way application? Can a smaller area be authorized (only the area required for the project)?
- What are the permanent effects of land disturbance on the area?
- How will turbine height be adjusted to meet local regulations?
- How many miles of roads will be bulldozed and dynamited in? Where will any gravel, fill, or other materials used come from?

3.5.1.4 Project Need

Two comments were received questioning the need for the project.

- What data are being used to determine consumer need for this project?
- How could conservation efforts minimize the need for this and other new energy projects?

3.5.2 Environmental Impacts

3.5.2.1 Air Quality

- How will ambient air quality be studied? What monitoring activities will be implemented to assure compliance with state and federal air quality regulations?
- How will dust from construction and operations activities be controlled? What regulations will guide dust control measures?
- What measures will be taken to mitigate emissions from construction and maintenance vehicles?
- Is there a smoke management plan that will help reduce health impacts from burned vegetation?
- What types of permits are needed to assure local, state, and federal regulatory compliance regarding air quality standards?
- How will the project and facilities be affected by climate change?
- What will be the greenhouse gas emissions produced by project construction and operation?

3.5.2.2 Cultural/Archaeology

- How will archaeologically sensitive areas such as those present in the lower Colorado River region be affected by the project?
- How will the study address archaeologically sensitive areas that will be destroyed?
- What considerations are being made regarding the historical significance of Searchlight?
- How will Native American communities be affected by the project?
- What efforts will be made to involve Native American officials in the study?
- How will Spirit Mountain, a place of significance to Native Americans, be affected?
- Will special considerations be made for areas with petroglyphs?

3.5.2.3 Cumulative Effects

- There are numerous energy projects proposed in the area. How will these be evaluated for past, present, and future cumulative impacts?
- If this project is approved, is a precedent being set making it easier for other projects to be established using BLM land?
- With numerous alternative energy proposals being considered on BLM land in southern Nevada, what is the management document guiding BLM land use decisions for alternative energy projects?

3.5.2.4 Hazardous Materials/Safety

- Will the turbines leak oil or other fluids? What plans are in place to mitigate this?
- Will the turbines or generators catch fire due to malfunction or lightning strike?
- Will drinking water be contaminated due to project activity?
- Can debris be flung from the turbines onto nearby roads and threaten driver safety?
- How will the project affect the navigational equipment used at the airport?
- Is there an awareness that the Flight for Life helicopter may not be able to land or fly safely?
- Will the lights on the turbines be a safety hazard for flight operation by affecting or disorienting flight crews?
- Will reflective paint be placed on the blades so pilots are aware of the full structure height (not just the height of the main tower)?
- If the Searchlight airport is not available to be used as a feeder airport for Las Vegas in times of overcrowding, could this cause a safety issue from overcrowding and burdening of the FAA system?

3.5.2.5 Land Use/Transportation

- How will the project plan support or conflict with the land use plans of other governing bodies?
- Will the public be able to access any of the 25,000 acres currently under study for this project?
- How will hunting in the project area be affected? Will access to hunting areas be restricted?
- Will noise created by the turbines effect recreation areas?
- Could this project and the associated structures conflict with development of air travel facilities, including the future potential expansion of Searchlight Airport or the development of private airparks?
- Will this project jeopardize or limit the trail system that has been in the planning stages for four years?
- What effects will users of all-terrain vehicles experience?
- Since Cottonwood Cove Road will be used as a main access road, what measures will be taken to ensure it can withstand the increase in construction traffic?
- Will Cottonwood Cove Road remain open at all times for emergencies?

3.5.2.6 Noise/Vibration

- How will eight months of construction noise affect Searchlight?
- What impact will construction noise have on animals in the region?

- Will the turbines make noise? How will it affect the quality of life for Searchlight residents?
- What research is available on the effects noise has on communities with wind generation facilities?
- How will the effects of noise on the surrounding areas be studied?
- Will the turbines cause vibration?

3.5.2.7 Socioeconomics

- How will construction and operation of the wind facilities affect tourism?
- How will quality of life for Searchlight residents change as the wind facility changes the area?
- Will property values of the area be affected by the project? What effects have other wind communities experienced?
- How will Searchlight residents benefit from this project?
- Searchlight has one ambulance. Will the addition of construction crews to the area overtax available medical services?
- Will local jobs be lost due to impacts on tourism?
- Will construction and maintenance workers be hired locally?
- How will this project affect future economic growth for Searchlight?

3.5.2.8 Vegetation/Wildlife

- How will the desert tortoise be affected by construction and maintenance of the project?
- Will common black hawks and bald eagles from nearby populations be affected?
- What efforts will be made to minimize impacts on habitats of special status species of plants and animals?
- How will Joshua trees be affected by the project?
- What is the weed management plan?
- How will noise from the turbines affect animal populations?
- Will birds and bats be injured or killed? What efforts will be taken to minimize this?
- How will impacts on Gila monsters and bighorn sheep be studied?
- If herbicides will be used to remove or control vegetation, how will the area be affected?
- How will bird migration be affected?

3.5.2.9 Visual Resources

- Will the placement of wind turbines affect views of scenic areas such as Lake Mohave and the surrounding mountains?
- How will the placement of wind turbines affect views of scenic areas surrounding Lake Mead National Recreation Area?
- How will impacts to the scenic quality of the area be studied?
- What effect will turbine lighting have on air safety?
- Will flashing lights from the wind mill blades from the sun's reflection be a dangerous distraction for drivers?
- How will tourism be impacted by changes to the visual environment?
- Will the new facility give Searchlight an industrial look?
- What steps will be taken to minimize visual impacts on the area?

3.5.2.10 Water

- How will water be used during construction?
- How much water will be used?
- What regulations will ensure that any water used for the project is used wisely and for the public good?
- Will overall water quality be affected by the project and project activities?
- What regulations will ensure that all efforts are made to prevent water quality from being affected?

3.6 BLM COMMENTS

As required by BLM guidance (Handbook H-1790-1), an internal review was implemented to establish whether any areas of concern, which did not appear in public comments, existed. Such concerns were identified based on cooperation or pending cooperation with the following agencies: Nevada Department of Wildlife, Nevada Division of Environmental Protection, National Park Service, Clark County, and the United States Department of Defense. The following are questions representative of these concerns.

- Will any Waters of the United States be impacted by the project? Will a Section 401 or 404 permit be required?
- What potential conflicts with mineral issues and existing mining claims, plans, or notices exist?

3.7 WESTERN COMMENTS

Searchlight Wind has submitted an application to Western to interconnect 300 MW of the proposed wind energy generation site with Western's existing Davis-Mead 230-kilovolt (kV) Transmission Line, near its crossing of State Route 164 seven miles east of Searchlight, Nevada. Western proposes to construct a new 230-kV substation to accommodate the interconnection and provide transmission service up to 300 MW to Searchlight Wind Energy LLC based on the application. If the wind energy generation site is built out to more than 300 MW, Western would address the need for an additional transmission capacity in a separate and subsequent process.

Western is addressing the Searchlight Wind application under its Large Generator Interconnection Procedures included with its Open Access Transmission Service Tariff (<http://www.wapa.gov/transmission/oatt.htm>). The procedures include conducting transmission system studies to ensure that the transmission system can accommodate the proposed wind generating facility. At this time, all the transmission system studies have not been completed. Details, requirements, and environmental impacts for other system improvements are unknown at this time, since they would be dictated by the on-going transmission system studies. These studies may identify additional upgrades needed to accommodate the proposed interconnection, including modifications at existing Western substations that could include installing new control buildings, new circuit breakers and controls; adding new electrical equipment, which would include installing new concrete foundations for electrical equipment and buildings, substation bus work, cable trenches, buried cable grounding grid, and new surface grounding material; and/or replacing existing equipment and/or conductors with new equipment and/or conductors to accommodate the proposed interconnection.

If any needed transmission system modifications are identified after the completion of the EIS, Western would address the environmental impacts of these modifications in accordance with regulatory requirements.

3.8 ISSUES OUTSIDE THE SCOPE OF THE EIS

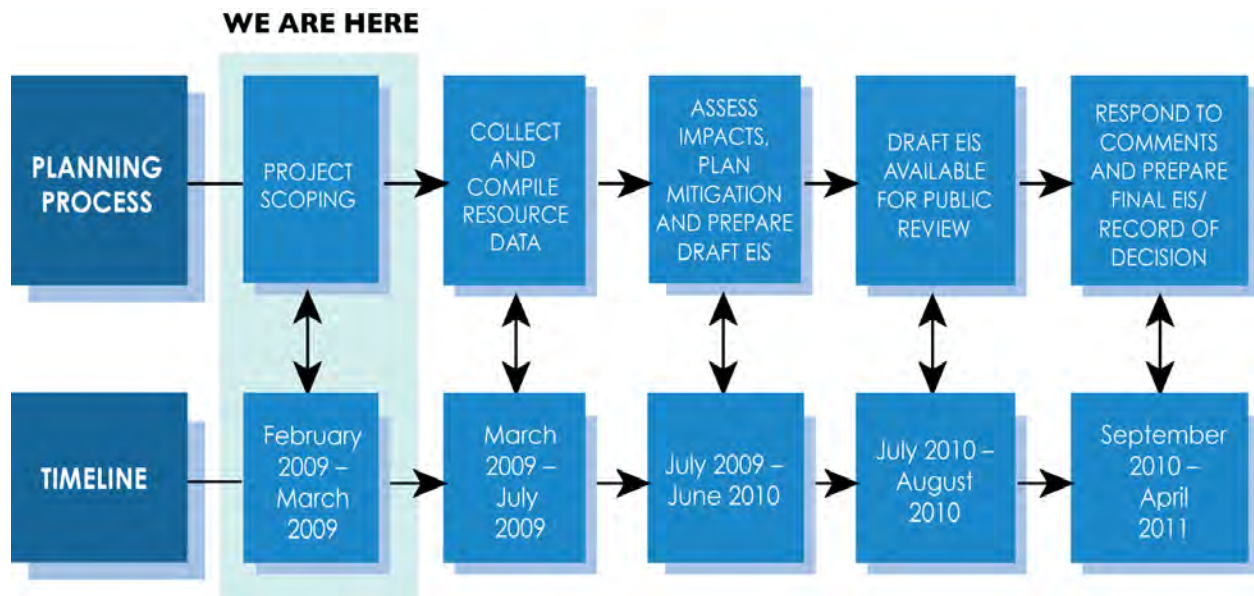
Some comments were received regarding the project proponent, Searchlight Wind. These comments in some instances requested a detailed analysis of the company and investors. It was requested that the EIS disclose who the investors are, if the company is foreign-owned, and what actions (if any) state-elected officials have taken to promote this or other renewable projects on BLM land. An EIS is intended to evaluate potential environmental impacts. It is beyond the scope of this effort to evaluate the corporate structure or financial resources of Searchlight Wind; therefore, these comments will not be addressed in the EIS.

Additional questions were received regarding the types of permits that would be required and comments were received indicating that the facility should be required to obtain appropriate permits (i.e., air or water use permits) prior to construction. Permits required by other federal, state, or local agencies are outside the jurisdiction of the BLM and subject to separate processes. While the necessary permits and authorities are disclosed in this document (see Section 4.6), the preparation and public availability of those permit applications will occur independent of the preparation of this EIS. Nevertheless, it is important to note that all federal, state or local permits pertaining to the proposed actions of the applicant are required to be in place prior to the issuance of the Notice to Proceed.

4.0 SUMMARY OF FUTURE STEPS IN THE EIS PROCESS

The process for the EIS requires a team of interdisciplinary resource specialists to complete each step. An important part of the BLM planning process is engaging the public and relevant agencies from the earliest stages of and throughout the planning process to address issues, comments, and concerns. The steps of the planning process and agency authority and decisions to be made are described below. Figure 4-1 provides a summary of the EIS process and schedule.

Figure 4-1 Planning Process Flow Chart



4.1 IDENTIFICATION OF ISSUES

Issues associated with the proposed project were identified through the scoping period, which initiated the planning process. The scoping process and the issues identified through the scoping process are documented in this scoping report, which is also available on the project website (http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy.html) and from the BLM Las Vegas Field Office.

4.2 DATA INFORMATION AND COLLECTION

Much of the necessary resource data and information will be compiled and used from existing data on file at BLM Las Vegas Field Office, BLM Nevada State Office, or through other local agencies and academic institutions. Additional data and information will be obtained from current studies being conducted by BLM and other sources to update and/or supplement BLM's data.

Data could be obtained from published and unpublished reports, maps, and digital information for use in a geographic information system (GIS). Generally, the resources and resource uses to be addressed include the following:

- Land Use
- Recreation and Access
- Special Management Areas (including Areas of Critical Environmental Concern, Special Recreation Management Areas, and Wilderness Study Areas)
- Groundwater and Surface-Water Resources
- Climate and Air Quality
- Biological Resources (including vegetation, wildlife, special status species, wild horses and burros, noxious weeds and invasive species)
- Geology, Soils, and Minerals
- Noise
- Archaeological Resources, Historic Properties, and Paleontological Resources
- Visual Resources
- Social and Economic Conditions
- Environmental Justice
- Public Health and Safety, Hazardous Materials and Waste

During the data collection and information collection step of the EIS process, BLM will initiate specific coordination with agencies, including the U.S. Fish and Wildlife Service for Section 7 consultation, the Nevada State Historic Preservation Office for Section 106 consultation, and the U.S. Army Corps of Engineers for Section 404 consultation, to ensure these procedures are completed in conjunction with the EIS process. In addition, a summary of all tribal coordination and consultation will be included in Chapter 5, Consultation and Coordination, of the Draft EIS.

4.3 IDENTIFYING ALTERNATIVES, ASSESSING IMPACTS, AND PLANNING MITIGATION

Based on collected data, including public comments, a description of proposed actions and alternatives (including no action) will be developed. Only alternatives that meet a standard of technical and economic feasibility will be considered in detail. Proposed alternative actions will be responsive to issues identified through the scoping process, fulfill the purpose and need (as described in the EIS), be consistent with agency planning documents, and address key social and environmental concerns. Impacts that could result from implementing the proposed action and alternatives will be analyzed and measures to mitigate those impacts will be identified where appropriate.

4.4 DRAFT EIS AND PUBLIC REVIEW

A summary of the scoping process, data collection efforts, and the findings of the impact assessment and mitigation planning will be documented in a Draft EIS. The Draft EIS is expected to be available for public review by mid-2010. To initiate the public comment period, the BLM will file the Draft EIS with the U.S. Environmental Protection Agency (EPA). Upon receipt of the document, the EPA will publish a filing notice in the *Federal Register*. The date the EPA notice appears in the *Federal Register* is the date that the public review period begins. The BLM will then inform the public that the Draft EIS is available for public comment by publishing a Notice of Availability in the *Federal Register* and advertising in local media. Public comments will be accepted for a period of either 45 or 60 days. During this time, meetings will be held to receive comments on the adequacy of the Draft EIS.

4.5 PREPARE FINAL EIS AND ISSUE RECORD OF DECISION

BLM will review and prepare responses to comments received on the Draft EIS. The EIS may or may not be modified based on public comments; however, all substantive comments and responses will be incorporated into the Final EIS.

The Final EIS also will be made available for the public to review for a period of 30 days, estimated for the fall of 2010. The availability of the Final EIS will be announced in the *Federal Register* and advertised in local media. Following the 30-day period, BLM will address any protests and/or issues in a Record of Decision, currently expected in early 2011.

In response to its need for agency action, Western will adopt the EIS and use it to support a decision on whether or not to grant the interconnection for the proposed wind generating facility. Western's decision will be addressed in a separate Record of Decision, currently expected in early 2011.

4.6 AGENCY AUTHORITIES AND DECISIONS TO BE MADE

Prior to and during the scoping process, BLM anticipated the discretionary government actions that would need to be addressed in the EIS, and decisions related to those actions. Table 4-1 represents a preliminary list of likely decisions and actions required for each component of the proposed project.

Table 4-1 Potential Agency Decisions and Actions

Agency	Permit/Approval Required
FEDERAL	
Bureau of Land Management	NEPA Implementation; Issuance of Right-of-way Grant
Department of Defense, Department of Homeland Security	Consultation Regarding Military Radar
Western Area Power Administration, an Agency of the U.S. Department of Energy	NEPA Implementation; Acquisition of Right-of-way Grant for Electrical Interconnection Facility/Substation; Decision whether or not to grant interconnection
Federal Aviation Administration	Aviation Hazard Clearance; Approval of Lighting Plan
U.S. Army Corps of Engineers	Clean Water Act, Section 404, Nationwide Permit 12
U.S. Fish and Wildlife Service	Endangered Species Act, Section 7, Consultation and Biological Opinion
STATE	
Nevada Department of Wildlife	Project Review Including Wildlife and Habitat Consultation
State Historic Preservation Office	Section 106, Consultation under National and State Historic Preservation Acts
Nevada Public Utility Commission	Utility Environmental Protection Act Compliance
Nevada Department of Transportation	State and County Right-of-way Encroachment Permits; Oversize/Overweight Permits
Nevada Division of Environmental Protection	402 National Pollutant Discharge Elimination System General Stormwater Permit for Construction Activities and 401 Water Quality Certification. O&M SWPPP and SPCCP
Nevada Division of Water Resources	Well Permit
Nevada State Fire Marshall	Hazardous Materials Storage Permit; Nevada Combined Agency Permit; Tier II Compliance
LOCAL	
Clark County Comprehensive Planning	Special use permit; Waiver of Development Standards; Building Permit
Clark County Regional Flood Control District	Federal Emergency Management Agency Map Review and Clark County Regional Flood Control District Plan Compliance
Clark County Health District Air Pollution Control Division	Dust Control Permit; Grading Permit
Clark County Health District	Septic System Permit
Clark County Fire Department	Blasting Permits (if necessary)

Notes: NEPA = National Environmental Policy Act; O&M = operations and maintenance; SPCCP = spill prevention control and countermeasures plan; SWPPP = stormwater pollution prevention plan

APPENDIX A

ANNOUCEMENTS

Notice of Intent

Newsletter

Display Advertisement

Press Release

(1) advise other Federal and State agencies and the public of our intention to conduct detailed planning on this refuge, and (2) obtain suggestions and information on the scope of topics to consider in the environmental document and during development of the CCP.

Background

The CCP Process

The National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) (16 U.S.C. 668dd–668ee), which amended the National Wildlife Refuge System Administration Act of 1966, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management, conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Improvement Act and NEPA.

We establish each unit of the NWRS for specific purposes. We use these purposes as the basis to develop and prioritize management goals and objectives for the refuge within the NWRS mission, and to determine how the public can use the refuge. The planning process is a way for us and the public to evaluate management goals and objectives for the best possible conservation approach to this important wildlife habitat, while providing for wildlife-dependent recreation opportunities that are compatible with the refuge's establishing purposes and the mission of the NWRS. Our CCP process provides opportunities for Tribal, State, and local governments; agencies; organizations; and the public to participate. At this time, we encourage the public to provide input in the form of issues, concerns, ideas, and suggestions for the future management of John Hay NWR.

We will conduct the environmental review of this environmental assessment in accordance with the requirements of NEPA, as amended (42 U.S.C. 4321 *et seq.*); NEPA regulations (40 CFR parts

1500–1508); other appropriate Federal laws and regulations; and our policies and procedures for compliance with those laws and regulations.

John Hay National Wildlife Refuge

John Hay NWR was the former summer estate of historic figure John Hay. It was donated to the Service in 1972 by Alice Hay to be used as a migratory bird and wildlife reservation. Currently, the refuge consists of approximately 80 acres on the shores of Lake Sunapee in Newbury, New Hampshire, and consists of upland northern forests, and undeveloped shoreline. These areas serve the habitat needs of waterfowl, wading birds, and raptors.

Scoping: Preliminary Issues, Concerns, and Opportunities

We have identified preliminary issues, concerns, and opportunities that we may address in the CCP. We have briefly summarized these issues below. During public scoping, we may identify additional issues.

Public use throughout the refuge will be reevaluated in relation to wildlife-dependent recreation and other mission compatible uses. These include an ADA-compliant interpretive nature trail, overlooks, and a trailhead at the Fells parking area. We will also explore different visitor use options for the refuge.

Access to the refuge from the adjacent Fells property needs to be coordinated in terms of the use of their parking area or the creation of a second parking area, and the establishment of a trailhead or other interpretive information on their property.

We need to address how the Service can create a more visible presence at the refuge and the adjacent Fells property. Potential avenues are through signs, kiosks, and seasonal staff.

Public Meetings

We will involve the public through open houses, informational and technical meetings, and written comments. We will release mailings, news releases, and announcements to provide information about opportunities for public involvement in the planning process. You can obtain the schedule from the planning team leader or project leader (see **ADDRESSES**). You may also submit comments anytime during the planning process by mail, electronic mail, or fax (see **ADDRESSES**). There will be additional opportunities to provide public input once we have prepared a draft CCP.

We anticipate that public meetings will be held in Newbury, New

Hampshire. For specific information including dates, times, and locations, contact the project leader (see **ADDRESSES**) or visit our Web site at <http://www.fws.gov/northeast/johnhay>.

Public Availability of Comments

Our practice is to make comments, including names, home addresses, home phone numbers, and electronic mail addresses of respondents available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

Dated: October 1, 2008.

Wendi Weber,

*Acting Regional Director, Northeast Region,
U.S. Fish and Wildlife Service, Hadley,
Massachusetts.*

[FR Doc. E8–28914 Filed 12–15–08; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV050000–L51010000.ER0000.F8740000;
NVN–084626; 09–08807; TAS: 14X5017]

Proposed Wind Energy Project, Searchlight, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: In compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*, the Bureau of Land Management (BLM), Las Vegas Field Office will prepare an EIS for a wind energy project located on public lands in Clark County, Nevada.

DATES: This notice initiates the public scoping process. Comments on issues may be submitted in writing until February 17, 2009. Any scoping meetings will be announced 15 days in advance through local news media and

the BLM Web site at: <http://www.nv.blm.gov/vegas/default.html>.

ADDRESSES: Submit comments related to the project by any of the following methods:

- E-mail: mchandle@nv.blm.gov
- Fax: (702) 515-5064 (attention Mark Chandler)
- Mail: BLM Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130-2301

Documents pertinent to this project may be examined at the Las Vegas Field Office. Additional opportunities for public participation will be provided on publication of the draft EIS.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to the mailing list, call Mark Chandler, (702) 515-5064; or e-mail mchandle@nv.blm.gov.

SUPPLEMENTARY INFORMATION: Searchlight Wind Energy, LLC, has submitted an application for the construction, operation, maintenance, and termination of a wind energy generation site. The proposed project would consist of 156 wind turbine generators and related rights-of-way appurtenances, including a substation administered by the Western Area Power Administration east of Searchlight, Nevada. The proposed wind energy project would produce approximately 359 megawatts of electricity. The proposed project site will be located on approximately 24,383 acres of public lands surrounding the town of Searchlight, Nevada.

Issues that are anticipated to be addressed in this EIS include visual impacts, avian impacts, socioeconomic impacts, electrical transmission capacity, and cumulative impacts.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Federal, State, and local agencies, as well as individuals or organizations that may be interested in or affected by the BLM's decision on this project are invited to participate in the scoping process and, if eligible, may request or be requested by the BLM to participate as a cooperating agency.

Authority: 43 CFR 2800.

Dated: December 4, 2008.

Kimber Liebhauser,

Assistant Field Manager, Lands Division, Las Vegas Field Office.

[FR Doc. E8-29686 Filed 12-15-08; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLID100000-L10200000-PH0000]

Notice of Public Meeting, Idaho Falls District Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Idaho Falls District Resource Advisory Council (RAC), will meet as indicated below.

DATES: The RAC will next meet in Idaho Falls, Idaho on January 20-21, 2009 for a two-day meeting. The first day will be new member orientation in the afternoon starting at 2 p.m. at the Idaho Falls BLM Office, 1405 Hollipark Drive, Idaho Falls, Idaho. The second day will be at the same location starting at 8 a.m. with electing a new chairman, vice chairman and secretary. Other meeting topics include noxious weeds, power line corridors, Snake River Activity Operations Plan, Upper Snake RMP and Recreation RAC items. Other topics will be scheduled as appropriate. All meetings are open to the public.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in the BLM Idaho Falls District (IFD), which covers eastern Idaho.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

FOR FURTHER INFORMATION CONTACT:

Joanna Wilson, RAC Coordinator, Idaho Falls District, 1405 Hollipark Dr., Idaho Falls, ID 83401. Telephone: (208) 524-7550. E-mail: Joanna_Wilson@blm.gov.

Dated: December 8, 2008.

Joanna Wilson,

RAC Coordinator, Public Affairs Specialist.

[FR Doc. E8-29709 Filed 12-15-08; 8:45 am]

BILLING CODE 4310-GG-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-923-1310-FI; WYW172444]

Wyoming: Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed reinstatement of terminated oil and gas lease.

SUMMARY: Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2-3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement from Chesapeake Exploration, L.L.C. for competitive oil and gas lease WYW172444 for land in Converse County, Wyoming. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

FOR FURTHER INFORMATION CONTACT:

Bureau of Land Management, Pamela J. Lewis, Chief, Branch of Fluid Minerals Adjudication, at (307) 775-6176.

SUPPLEMENTARY INFORMATION: The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, per year, and 16⅔ percent, respectively. The lessee has paid the required \$500 administrative fee and \$163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW172444 effective June 1, 2008, under the original terms and conditions of the lease and the increased rental and royalty rates cited



Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301



PUBLIC MEETING ANNOUNCEMENT

Please attend one of the following scoping meetings to help identify the range, or scope, of issues related to the Searchlight Wind Energy Project. The issues identified during the scoping process will be considered and addressed during preparation of the Environmental Impact Statement. All meetings will be held in an open house format with a brief presentation.

SEARCHLIGHT

Tuesday, January 27, 2009
4 pm – 7 pm;
presentation at 4:30 pm
Searchlight Community Center
200 Michael Wendell Way
Searchlight, NV 89046

LAUGHLIN

Wednesday, January 28, 2009
6 pm – 9 pm;
presentation at 6:30 pm
William G. Bennett
Elementary School
2750 South Needles Hwy
Laughlin, NV 89029

BOULDER CITY

Thursday, January 29, 2009
5 pm – 8 pm;
presentation at 5:30 pm
Boulder City Library
701 Adams Blvd
Boulder City, NV 89005

Participants will have the opportunity to submit verbal or written comments at all meetings.

Bureau of Land Management Draft EIS

SEARCHLIGHT WIND ENERGY PROJECT

January 2009

INTRODUCTION

The Bureau of Land Management (BLM) is preparing an Environmental Impact Statement (EIS) for the proposed Searchlight Wind Energy project. Searchlight Wind Energy, LLC has submitted an application for the construction, operation, and maintenance of a wind energy generation site on public lands adjacent to the town of Searchlight, Nevada. The first step in the EIS process is public scoping to identify issues and concerns that should be addressed in the EIS. The 60-day public scoping period for the Searchlight Wind Energy Project was initiated on December 16, 2008. This newsletter is being provided to potentially interested parties to describe the project, announce public scoping meetings, and provide opportunities to comment on the project.

PROJECT DESCRIPTION

Searchlight Wind, LLC is proposing to develop an approximately 370 megawatt (MW) wind energy facility consisting of up to 161 wind turbine generators. The project is located on 24,383 acres of public lands east of Searchlight, Nevada (see attached map on page 3). The facility, depending upon the wind, would have the capacity to generate enough electricity to power over 100,000 households. This assumes an average household use of approximately 9,000 kilo watt hours per year.

The proposed wind turbine towers would be up to 262 feet tall from the ground to the hub with blades extending up to an additional 153 feet. The total height of each turbine would be up to 415 feet.

In addition to the wind turbines, the proposed project would require the construction of new access roads, an overhead transmission line, two electrical substations, an electrical interconnection facility/switchyard, an operations and maintenance building, and temporary and permanent laydown areas. Five permanent meteorological masts would be installed on the site to measure the wind speed and direction across the site over the life of the project. The exact areas of each component are subject to change as the project design develops and the EIS process proceeds.



THE EIS PROCESS

The proposed facilities would be on public land managed by the BLM; therefore, the project is considered a Federal action requiring review under and compliance with the National Environmental Policy Act of 1969 (NEPA). Under NEPA, actions such as the Searchlight Wind Energy Project must consider the potential effects on the environment including human, natural, and cultural resources.

Human

Environment – land use, social and economic conditions, environmental justice, visual characteristics, noise

Natural

Environment – air, geology, soils, water, vegetation, wildlife, special status and avian species

Cultural

Environment – prehistoric and historic archaeological sites, and traditional cultural lifeways and resources

BLM

Las Vegas Field Office / Nevada



The NEPA process for the proposed project is anticipated to occur within a 24-28 month timeframe and consist of several steps depicted in the flow chart below.

At this early stage in the process, BLM (the lead Federal agency) will identify the range or scope of public and agency issues through comments received in meetings and discussions with relevant agencies and the public.

Once the BLM has an understanding of the issues, the study team will begin to gather data on resources within the study area. Based on the description of the proposed project and any alternatives to be evaluated; issues identified; and resource data, the EIS team will assess potential impacts that could result from the project and identify measures to mitigate, or reduce those impacts.

PUBLIC SCOPING

BLM understands the importance of involving the public and agencies in the planning process. During public scoping, BLM encourages comments to identify issues and concerns that are important in the region and that need to be addressed in the EIS.

The first opportunity for you to participate will be the upcoming public scoping meetings. These public meetings are planned for **Boulder City, Searchlight, and Laughlin, Nevada** in January of 2009 as noted on the back of this newsletter. These meetings also will be announced in local newspapers and at www.nv.blm.gov/vegas/default.html. Comments can be submitted orally or in writing at the public meetings, as well as by mail, fax or e-mail. Comments will be most helpful in the preparation of the Draft EIS if they are submitted by February 17, 2009.

BLM will provide opportunities to comment on the status of the project throughout the EIS process. Preliminary work on the Draft EIS has already started; the scoping process will help BLM identify issues not already considered in the Draft and help in the formulation of the alternatives to be presented in the Draft. A Notice Of Availability (NOA) will be published by the BLM and the Environmental Protection Agency (EPA) in the Federal Register when the Draft EIS is published. The EPA-NOA starts the 45-day public review and comment period where BLM will conduct public meetings to accept comments on the draft document. Written comments will be accepted during that time.

If you have questions, would like to be on the mailing list, or would like to speak to a project representative, please use the contact information below.

HOW TO SUBMIT WRITTEN COMMENTS

Remember, comments will be most helpful if submitted in writing by February 17, 2009.

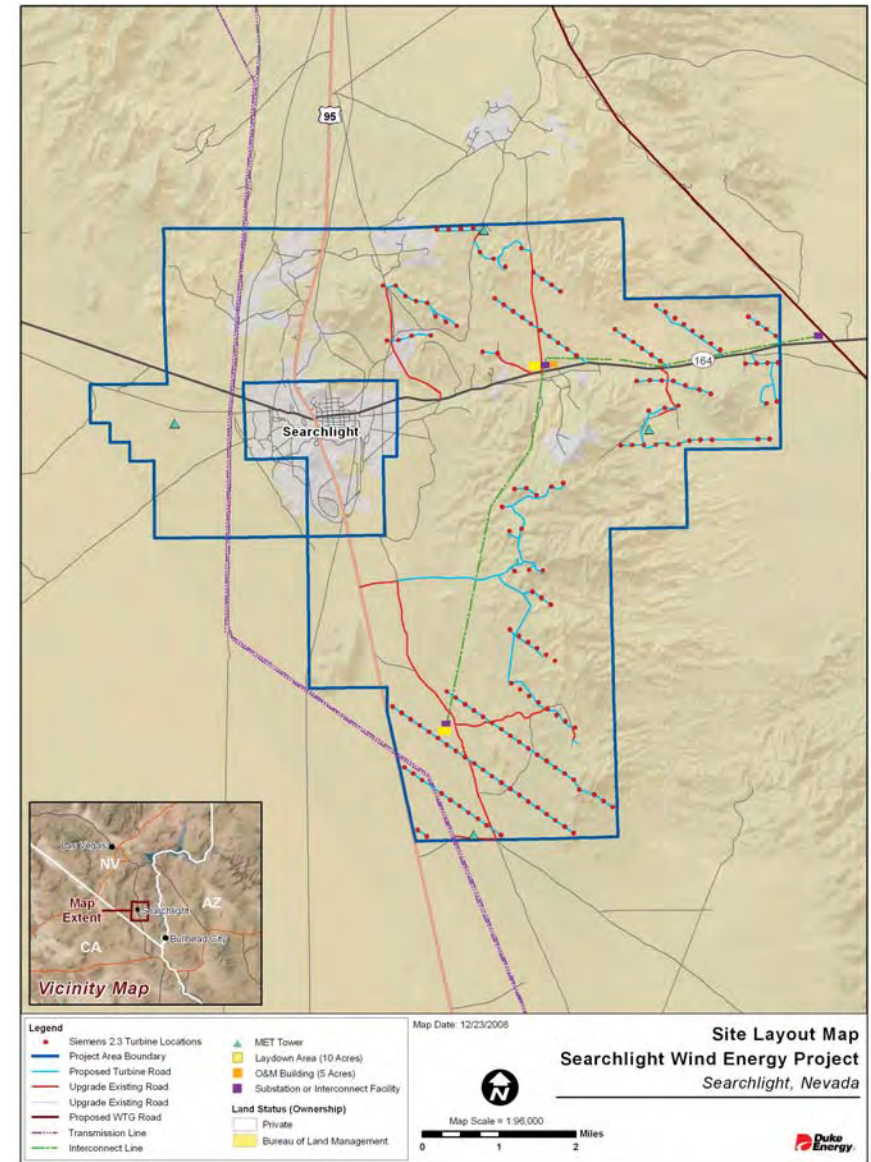
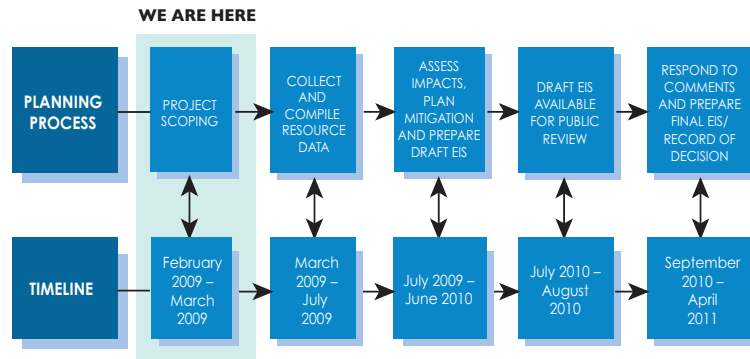
E-mail: Searchlight_Wind_Energy_EIS@blm.gov

Fax: 702-515-5010

Mail: BLM Las Vegas Field Office,
4701 North Torrey Pines Drive,
Las Vegas, NV 89130-2301

Phone: 702-515-5000

The scoping meetings will be held in an open house format, with a brief presentation to provide an overview of the project and EIS process. Project team members will be available at display stations to answer questions and take note of your comments.





SEARCHLIGHT WIND ENERGY PROJECT PUBLIC MEETING ANNOUNCEMENT

The Bureau of Land Management (BLM) is holding public scoping meetings to receive comments on a proposed wind energy project near the town of Searchlight, Nevada. Please plan to attend one of the following open house meetings:

**SEARCHLIGHT
Tuesday,
January 27, 2009**

4 pm – 7 pm;
brief presentation
at 4:30 pm
Searchlight Community
Center
200 Michael
Wendell Way
Searchlight, NV 89046

**LAUGHLIN
Wednesday,
January 28, 2009**

6 pm – 9 pm;
brief presentation
at 6:30 pm
William G. Bennett
Elementary School
2750 South
Needles Hwy
Laughlin, NV 89029

**BOULDER CITY
Thursday,
January 29, 2009**

5 pm – 8 pm;
brief presentation
at 5:30 pm
Boulder City Library
701 Adams Blvd.
Boulder City, NV 89005

For questions on this project please contact Mark Chandler, BLM Project Manager, at 702-515-5000.

PRESS RELEASE DISTRIBUTION LIST

General Media

Television Stations

KVBC TV 3
KVVU TV 5
KLAS TV 8
KLVX TV 10
KTNV TV 13
KVWB TV 21
KVMP 41
Telemundo 39

Newspapers

(Daily) Las Vegas Review-Journal
Las Vegas Sun

(Weekly) City Life
Boulder City News
LV Asian Journal
The Spectrum

(Other) Associated Press
Henderson Home News
Jewish Reporter
High Country News
The Business Voice (Las Vegas Chamber of Commerce)
View Neighborhood Newspapers
Associated General Contractors
Pahrump Valley Times
Mesquite Local News

Radio

KNPR 89.5 FM
KNEWS 970, 1140, 1250 AM
KUNV 91.5 FM
KDWN 720 AM
KLAV 1230 AM
KNYE 95.1 FM
KXNT 840 AM
Metro Networks/Shadow Broadcasting
Highway Radio

Spanish Language

Entravision Communications
El Mundo Newspaper

Elected Officials

Senators

Harry Reid
John Ensign

Congressman

Shelly Berkley

State Senate

John Porter

Other

Public Affairs Office – City of Las Vegas
Public Communications Department – Clark County
Public Affairs Office – Humboldt-Toiyabe National Forest

BLM Nevada News
FOR IMMEDIATE RELEASE
Contact: Hillerie Patton,

January 22, 2009
702-515-5046

BLM to hold Public Meetings on Wind Energy Proposal near Searchlight

LAS VEGAS – The Bureau of Land Management (BLM) Las Vegas Field Office is seeking public input on issues to address the development of a draft Environmental Impact Statement (EIS) on a wind-powered electric generating facility proposed near Searchlight. The meetings will be held Tuesday, January 27 at the Searchlight Community Center from 4 p.m. – 7 p.m.; Wednesday, January 28 at the William G. Bennett Elementary School in Laughlin from 6 p.m. – 9 p.m., and Thursday, January 29 at the Boulder City Library from 5 p.m. – 8 p.m. The meetings will be held in an open house format with a brief presentation.

The BLM published Notice of Intent (NOI) in the *Federal Register* on December 16, 2008. A notice of intent advises the public of the preparation of an EIS to evaluate any potential impacts, which could occur from the construction and operation of the project. These public meetings are the first step in the EIS study process. The wind generation facility would be located on approximately 24,383 acres near Searchlight, and could generate enough electricity for more than 90,000 homes. In addition to the 161 wind turbines that would be constructed, the project would require new access roads, an overhead transmission line, two electrical substations, and other facilities. The wind turbines could be up to 415 feet tall depending on final design.

The public is encouraged to submit written comments before February 17, 2009. Comments may be submitted in writing to: Searchlight_Wind_Energy_EIS@blm.gov, or to the BLM Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130-2301, 702.515.5010 (fax). For more information, please contact: Mark Chandler at 702-515-5064.

-BLM-

The BLM manages more land – 258 million acres – than any other Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western States, including Alaska. The Bureau, with a budget of about \$1 billion, also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

APPENDIX B

PUBLIC SCOPING MEETINGS

Boards

Presentation

Sign-in sheet

Comment form



PUBLIC SCOPING MEETING



The BLM wants your input on the scope or range of issues related to the Searchlight Wind Energy Project. The issues identified during scoping will be considered and addressed during preparation of the Environmental Impact Statement (EIS).



ROLES AND RESPONSIBILITIES

- **Duke Energy –**
As the project proponent, Duke will develop, construct, and operate the Project.
- **BLM –**
BLM manages the land on which the project is proposed. As the Responsible Lead Agency, BLM is responsible for preparing the EIS to comply with the National Environmental Policy Act (NEPA).
- **WAPA –**
Participating as Cooperating Agency under NEPA, WAPA owns and operates the 230kV transmission line to which the Project will connect and deliver power into the electrical grid.
- **URS –**
Third-party contractor assisting BLM with preparation of the EIS.





WHAT IS SCOPING?

The National Environmental Policy Act requires that there shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process is termed Scoping. Scoping is a continual process that ensures the content of the environmental analysis is focused properly. Scoping is an opportunity for persons who would be affected or interested to provide input and to express their environmental concerns regarding the proposed project.

Overall scoping helps to:

- Identify the relevant issues related to the resources and values in the project area
- Identify feasible alternatives





PURPOSE AND NEED

- To provide a local, domestic energy source
- To reduce greenhouse gas emissions that result from fossil fuel energy generation
- To fulfill many state and national renewable energy policies, including the Nevada Renewable Portfolio Standard (NRPS) (Assembly Bill 366, Senate Bill 372) which requires that 15 percent of all electricity generated in Nevada be renewable by the year 2013
- To serve existing and future needs for power in Nevada





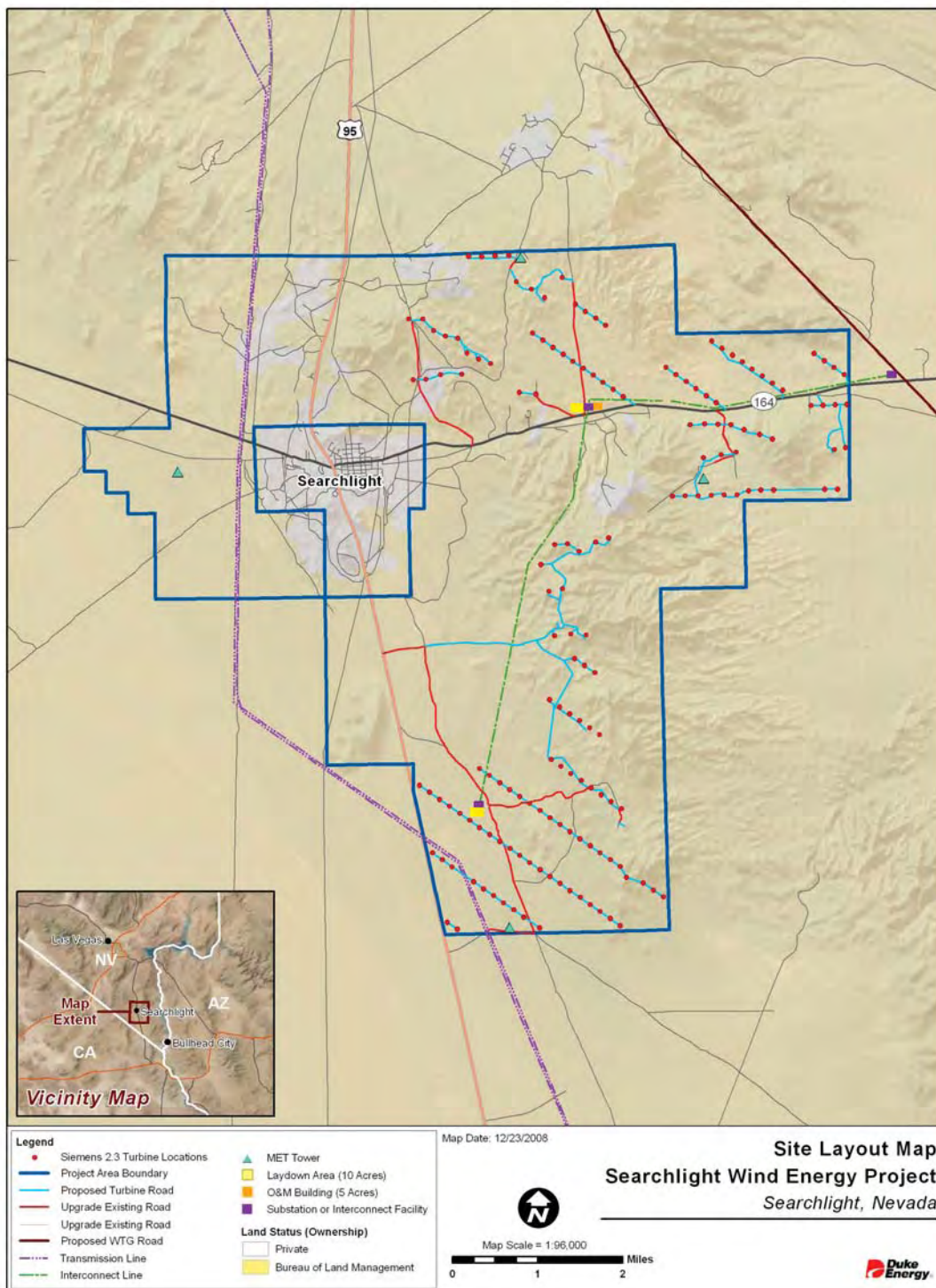
PROJECT DESCRIPTION

- Facility will provide approximately 370 megawatts (MW) of electricity – power to more than 100,000 homes
- Facility components include:
 - 161 wind turbines
 - New and upgraded access roads
 - Overhead transmission lines
 - Operations and Maintenance (O&M) building
 - Electrical interconnection / switchyard
 - Two electrical substations
 - Two lay down areas
(one temporary, one permanent)
 - Five permanent meteorological masts



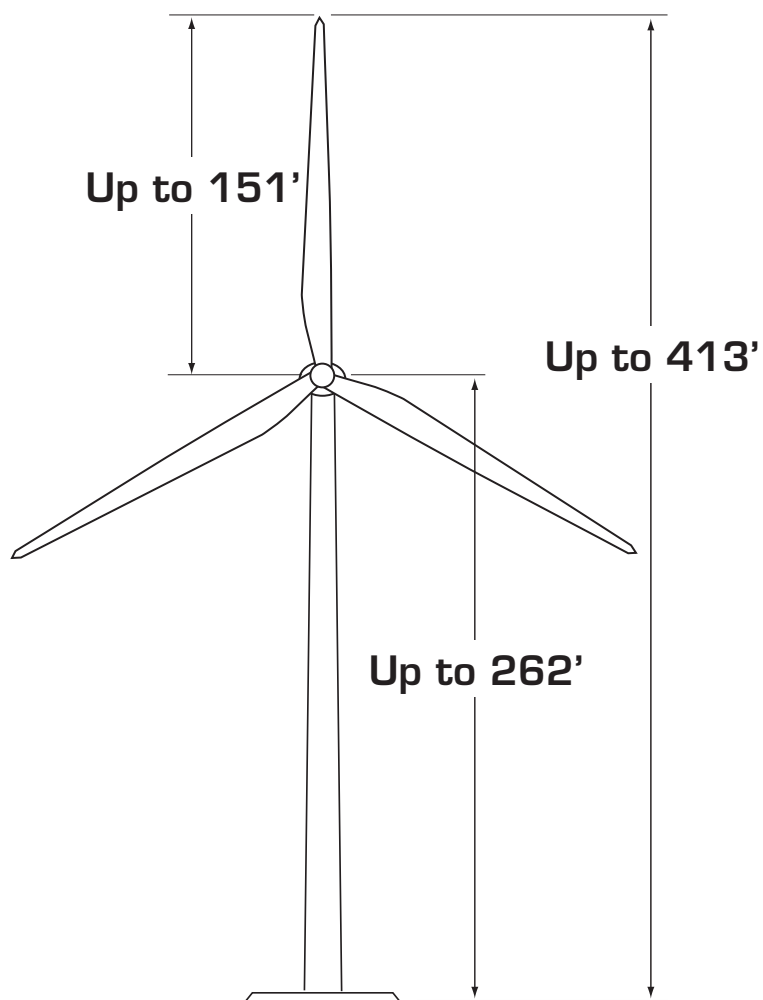


PROJECT LOCATION



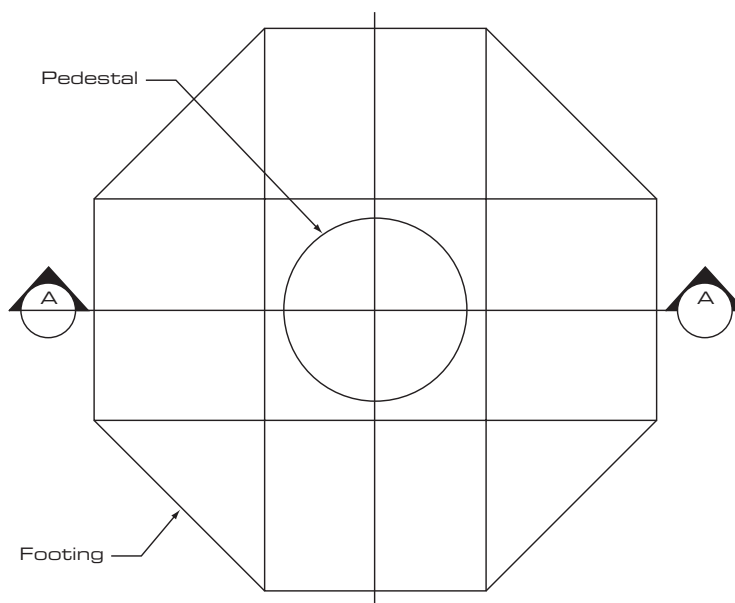


TYPICAL STRUCTURE EXAMPLE

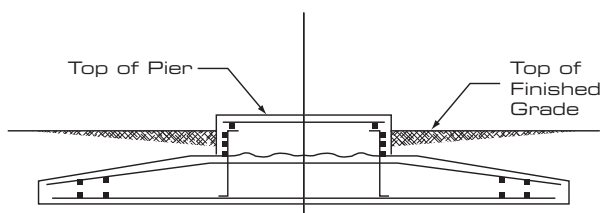




TYPICAL WIND TURBINE CONSTRUCTION



WTG Foundation Plan



Section A-A



EIS STUDIES

The EIS will analyze the existing local environment and potential impacts that could occur as a result of the proposed project. Ways to mitigate, or reduce impacts on the environment will also be identified. Topics to be addressed in the EIS include:

Human Environment - land use, social and economic conditions, environmental justice, visual characteristics and noise

Natural Environment - air, geology, soils, water, vegetation, wildlife, special status and avian species

Cultural Environment – prehistoric and historic archaeological sites, and traditional cultural lifeways and resources





HOW TO MAKE YOUR COMMENTS MOST EFFECTIVE

One comment can make a difference.

- Identify specific information that should be considered during the EIS process
- Offer a specific idea of how to address a particular concern
- Provide specific information about how a particular element of the project would affect you
- Speak to a project team member if you have any questions on project information





PUBLIC INFORMATION AND FEEDBACK OPPORTUNITIES

- 60-day scoping period to identify initial project issues
- Scoping meetings

SEARCHLIGHT

Tuesday, January 27, 2009

4 pm – 7 pm;

presentation at 4:30 pm

Searchlight Community Center

200 Michael Wendell Way

Searchlight, NV 89046

LAUGHLIN

Wednesday, January 28, 2009

6 pm – 9 pm;

presentation at 6:30 pm

William G. Bennett

Elementary School

2750 South Needles Hwy

Laughlin, NV 89029

BOULDER CITY

Thursday, January 29, 2009

5 pm – 8 pm;

presentation at 5:30 pm

Boulder City Library

701 Adams Blvd.

Boulder City, NV 89005

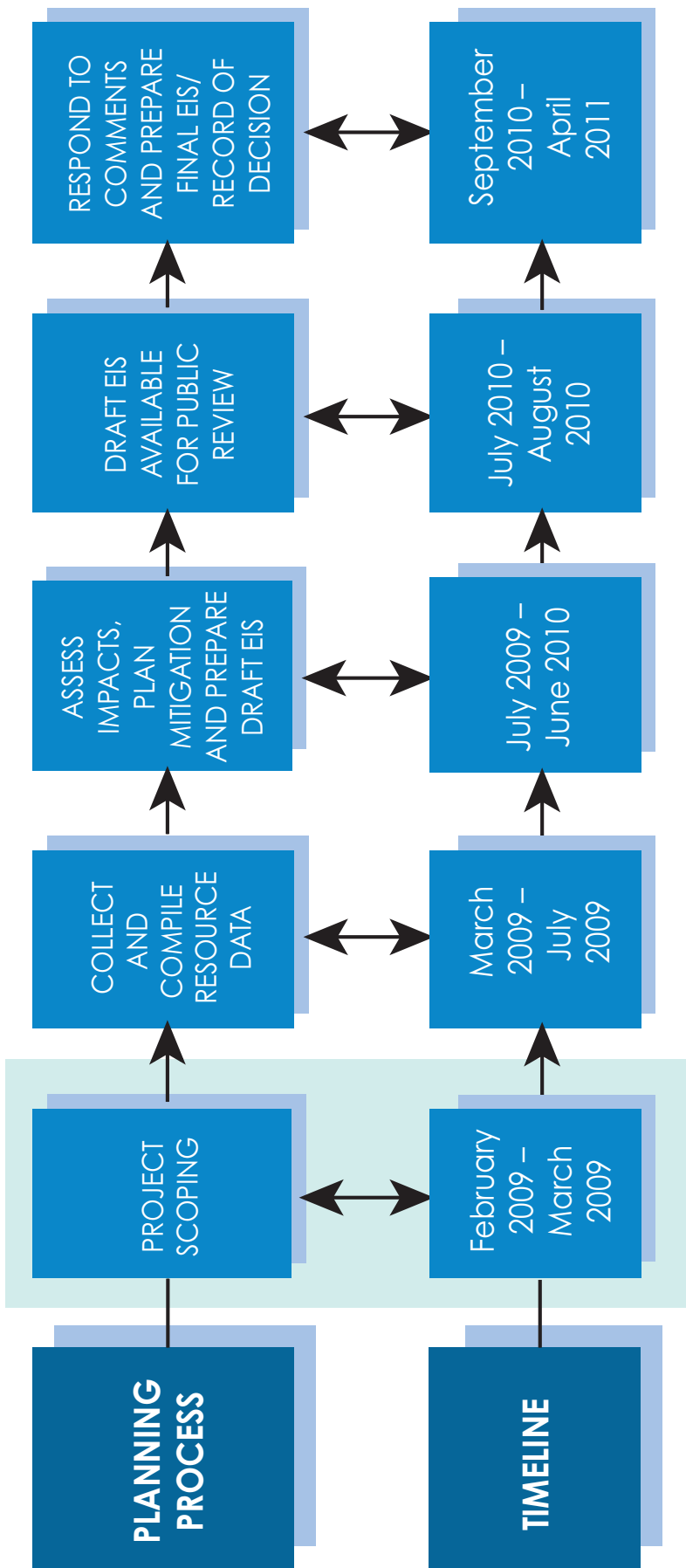
- Public meetings and 45-day public review period on Draft EIS in fall 2010
- Mailing list and newsletter updates throughout the project
- Contact BLM Project Manager Mark Chandler, 702.515.5000





PLANNING PROCESS

WE ARE HERE





PUBLIC SCOPING MEETINGS

January 2009



Project Team

- Duke Energy
(Searchlight Wind Energy, LLC)
- Bureau of Land Management (BLM)
- Western Area Power Administration
(Western)
- URS (NEPA consultant)

Need for Agency Action

- BLM is responding to an application from Searchlight Wind Energy, LLC for land use permits.
- Western is responding to an application to interconnect the proposed wind energy facility with Western's electrical transmission system.

Purpose of Meeting

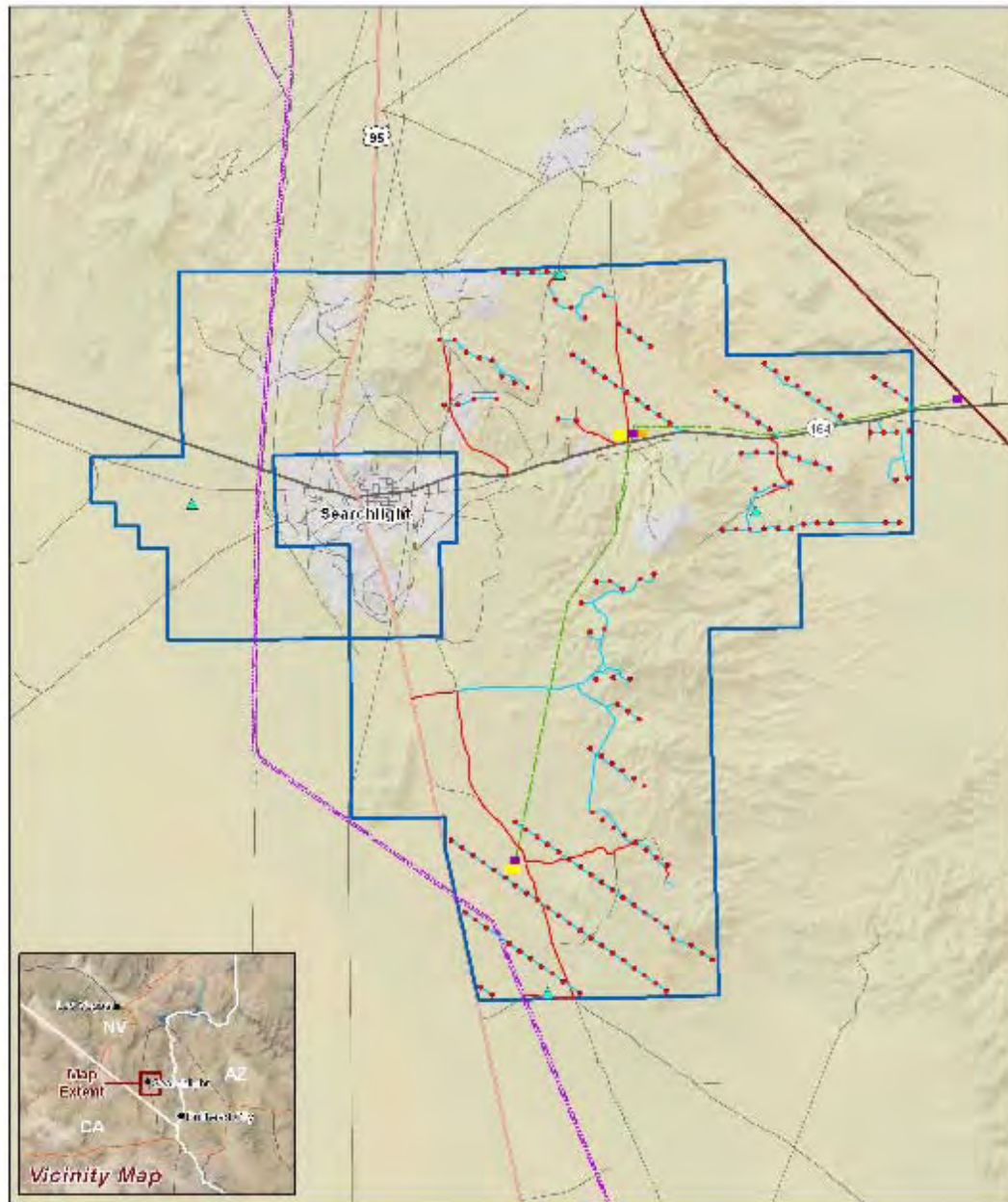
- To provide information to you regarding the proposed project.
- To hear your issues and concerns related to the proposed project.

What is Scoping?

- Helps to identify issues that should be addressed in the EIS.
- Helps to identify feasible alternatives that should be evaluated in the EIS.
- Provides the public and other interested parties the opportunity to express comments and concerns.

Project Description

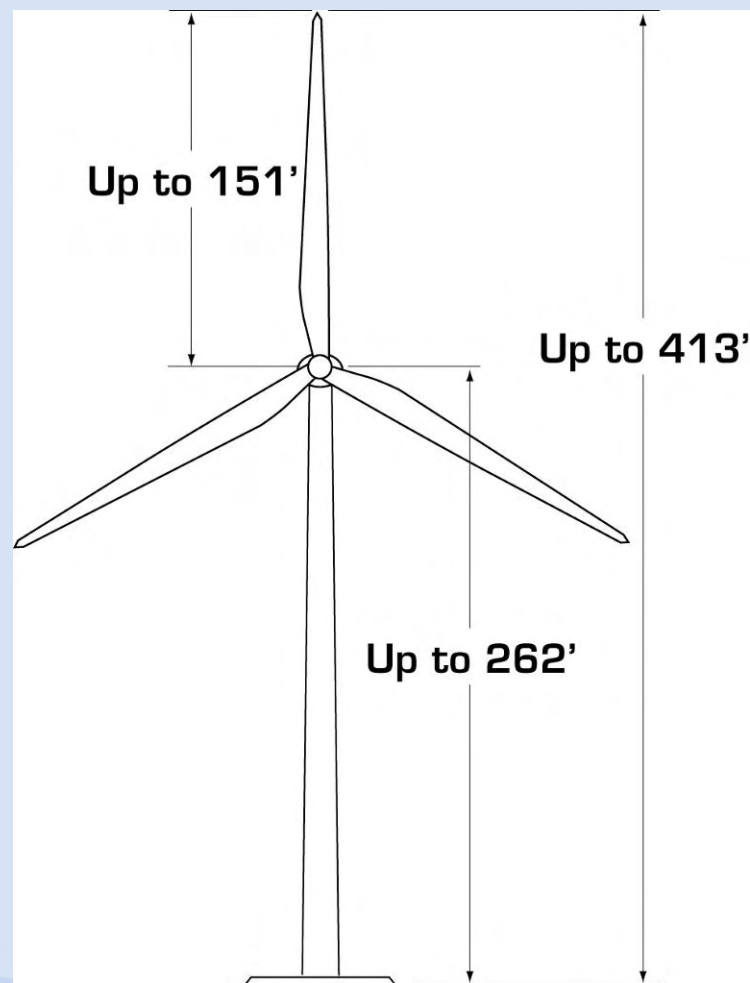
- Located on 24,383 acres of public land in the vicinity of Searchlight, Nevada



Project Description

- Would generate up to 370 megawatts of electricity
- Up to 161 wind turbines
- Power delivery over Western's Mead-Davis 230-kV transmission line
- Associated facilities
 - Access roads
 - Transmission lines
 - Switchyard/substations
 - Meteorological masts
 - Operations and maintenance facility

Project Description



National Environmental Policy Act (NEPA)

- “The National Environmental Policy Act is our basic national charter for protection of the environment.” [40 CFR Part 1500.1(a)]
- An Environmental Impact Statement (EIS) will be prepared in compliance with NEPA.

Resources to be Analyzed

- Land uses
- Visual resources
- Noise
- Biological resources
- Cultural resources
- Air quality
- Geology and soils
- Water resources
- Socioeconomic conditions
- Environmental justice
- Public health and safety
- Environmental regulatory compliance
- Other resources as directed by BLM

Studies Proposed and Underway

Studies Underway

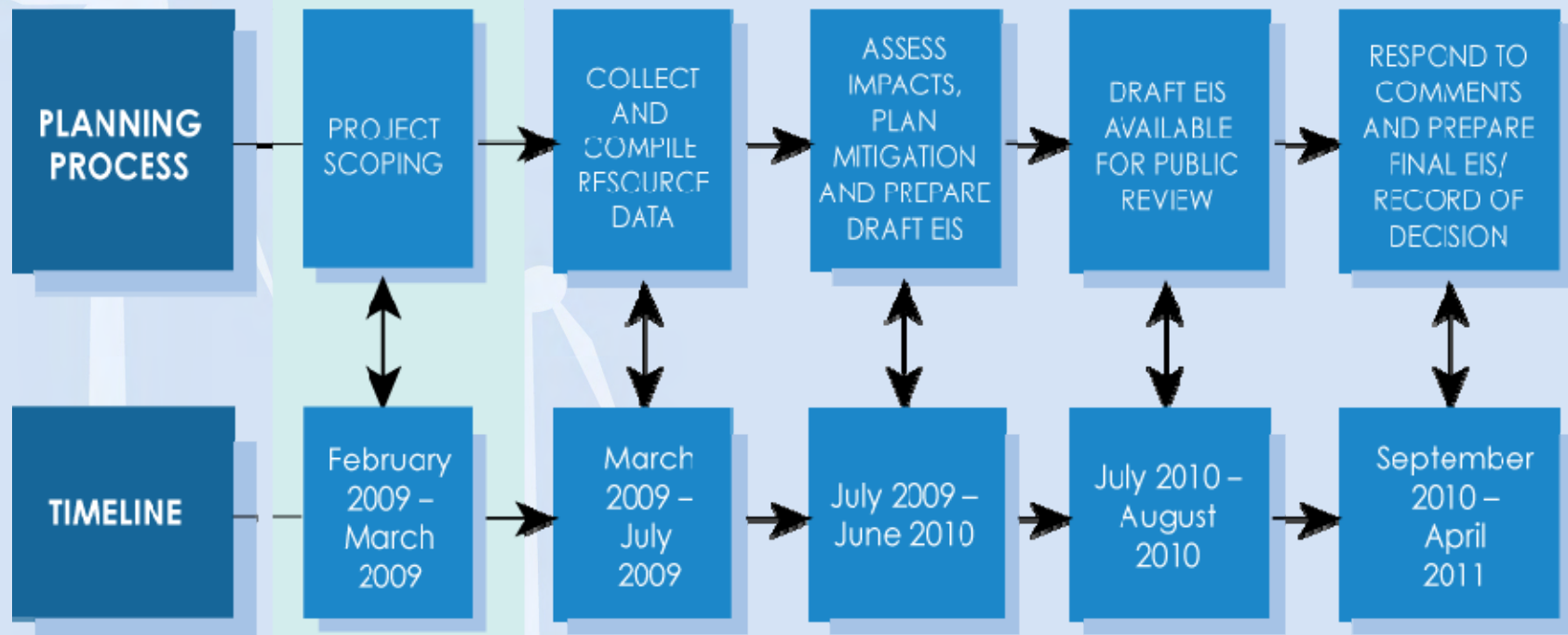
- Avian and bat surveys
- Aerial photographs
- Refined topography mapping

Proposed Studies

- Sociological and economic study
- Visual studies and simulations of the proposed project
- Noise studies

NEPA Process

WE ARE HERE



How You Can Participate

- Complete a comment form with your name and address.
- Submit written comments to:
 - Searchlight_Wind_Energy_EIS@blm.gov
 - Fax: 702-515-5010
 - BLM Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

How You Can Participate

- Public meetings and 45-day review period on Draft EIS
- Mailing list and newsletter updates throughout the project
- www.nv.blm.gov/vegas/default.html
- Contact BLM Project Manager Mark Chandler, 702-515-5000

How to Make Your Comments Most Effective

One comment can make a difference.

- Identify specific information that should be considered during the EIS process.
- Offer a specific idea of how to address a particular concern.
- Provide specific information about how a particular element of the project would affect you.

January 2009

PLEASE SIGN IN

Date: _____

[illegible]

Copies of this sign-in form may become part of the public record associated with this proposed project. Individuals requesting that their name and address be withheld from public review or from disclosure under the Freedom of Information Act must check "Yes" in the personal information column. Such requests will be honored to the extent allowed by law.





Bureau of Land Management, Las Vegas Field Office/Nevada

Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing list.

Meeting Location: _____

Your Name: _____ Name: _____

Address: _____ Address: _____

City/State/Zip: _____ City/State/Zip: _____

☐ Add my name to the mailing list for this project
☐ Do not include my name on the mailing list
☐ Withhold my name/address to extent allowed by law (only for persons not representing organizations)^{*}

* All comments received by BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) will be available for review by any person that wishes to review the record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law.

1. Please describe any issues or concerns that should be addressed in the environmental impact statement. _____

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Appendix A-2: Notice of Availability and Publications

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

**[LLNVSO3100 L51010000 ER0000
 LVRWF09F8740.241A; 12-08807; MO#
 4500027523; TAS: 14X5017]**

**Notice of Availability of the Draft
 Environmental Impact Statement and
 Notice of Segregation for the
 Searchlight Wind Energy Project, Clark
 County, NV**

AGENCY: Bureau of Land Management,
 Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the
 National Environmental Policy Act of
 1969, as amended, the Bureau of Land
 Management (BLM) has prepared a Draft
 Environmental Impact Statement (EIS)
 for the Searchlight Wind Energy Project
 and by this notice is announcing the
 opening of the comment period.
 Publication of this notice also serves to
 segregate the identified lands from
 appropriation under the public land
 laws for a period of 2 years, including
 location under the Mining Law, but not
 the Mineral Leasing Act or the Materials
 Act, subject to valid existing rights.

DATES: To ensure comments will be
 considered, the BLM must receive
 written comments on the Searchlight
 Wind Energy Project Draft EIS within 90
 days following the date the
 Environmental Protection Agency
 publishes this Notice of Availability in
 the **Federal Register**. The BLM will
 announce future meetings or hearings
 and any other public involvement
 activities at least 15 days in advance
 through public notices, media releases,
 and/or mailings.

ADDRESSES: You may submit comments
 related to the Searchlight Wind Energy
 Project by any of the following methods:

- **Web site:** http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy/searchlight_wind_energy.html
- **Email:** BLM_NV_SND0_SearchlightWindEnergyEIS@blm.gov.
- **Fax:** (702) 515-5010, attention Gregory Helseth.
- **Mail:** BLM Las Vegas Field Office, Attn: Gregory Helseth, 4701 North Torrey Pines Drive, Las Vegas, NV 89130-2301.

Copies of the Searchlight Wind
 Energy Project are available in the Las
 Vegas Field Office at the above address.

FOR FURTHER INFORMATION CONTACT:
 Gregory Helseth, Renewable Energy
 Project Manager, (702) 515-5173; 4701
 North Torrey Pines Drive, Las Vegas, NV
 89130-2301; email: BLM_NV_SND0_SearchlightWindEnergyEIS@blm.gov.

Persons who use a telecommunications
 device for the deaf (TDD) may call the
 Federal Information Relay Service
 (FIRS) at 1-(800) 877-8339 to contact
 the above individual during normal
 business hours. The FIRS is available 24
 hours a day, 7 days a week, to leave a
 message or question with the above
 individual. You will receive a reply
 during normal business hours.

SUPPLEMENTARY INFORMATION:
 Searchlight Wind Energy, LLC (SWE), a
 wholly owned subsidiary of Duke
 Energy, applied to the BLM for a right-
 of-way (ROW) grant on public lands to
 develop a 200-megawatt (MW) wind
 energy facility. The ROW application
 area encompasses approximately
 18,789.71 acres of BLM-administered
 public lands adjacent to Searchlight,
 located approximately 60 miles
 southeast of Las Vegas, in Clark County,
 Nevada. The project is in conformance
 with the 1998 Las Vegas Resource
 Management Plan.

The proposed wind turbines would be
 up to 262-feet-tall from the ground to
 the hub with blades extending up to an
 additional 153 feet. The total height of
 each turbine would be up to 415 feet. In
 addition to the wind turbines, the
 proposed project would require the
 construction of new access roads, two
 electrical substations, an overhead
 transmission line connecting the two
 substations, an electrical
 interconnection facility/switchyard
 owned and operated by Western Area
 Power Administration (Western), an
 operations and maintenance building,
 and temporary and permanent laydown
 areas. Three permanent meteorological
 masts would remain on the site to
 measure the wind speed and direction
 across the site over the life of the
 project.

SWE has requested to interconnect its
 proposed project to the electrical
 transmission grid via Western's Davis-
 Mead 230-kilovolt (kV) transmission
 line. Western, a Federal agency, is
 participating in the EIS process as a
 cooperating agency and may use the EIS
 to support its decision to approve or
 deny SWE's interconnection request.
 Western has also submitted a ROW
 application to the BLM for construction
 and operation of the electrical
 interconnection facility/switchyard,
 which is analyzed as part of this EIS.

The proposed action analyzed in the
 Draft EIS is to approve the project in
 response to the applications received
 from SWE and Western. Three
 alternatives are analyzed in the Draft
 EIS—an 87 wind turbine layout, a 96
 wind turbine alternative, and a no-
 action alternative. The 87 wind turbine

alternative is the BLM's preferred
 alternative and has a smaller footprint
 than the 96 wind turbine alternative.
 The Draft EIS describes and analyzes the
 project's site-specific impacts on air
 quality, biological resources, cultural
 resources, environmental justice,
 geological resources, human health, and
 hazardous materials, lands and realty,
 noise, noxious weeds, paleontological
 resources, recreation, socioeconomic
 resources, transportation, visual
 resources and water resources.

A Notice of Intent was published in
 the **Federal Register** on December 16,
 2008 (73 FR 76377). The BLM held three
 public scoping meetings in Searchlight,
 Laughlin, and Boulder City, Nevada, on
 January 27, 28, and 29, 2009,
 respectively. The formal scoping period
 ended on February 17, 2009. Sixty-six
 comment submissions were received,
 which identified 384 issues. The issues
 are grouped into 14 main issue
 categories: Process, project alternatives,
 project description, project need, air
 quality, cultural, hazardous materials,
 land use, noise, socioeconomic,
 vegetation, visual, water, and
 cumulative impacts.

Maps of the proposed project area and
 the alternatives analyzed in the Draft
 EIS are available at the Las Vegas Field
 Office. Please note that public
 comments and information submitted
 will be available for public review and
 disclosure at the above address during
 regular business hours (8 a.m. to 4 p.m.),
 Monday through Friday, except
 holidays. Before including your address,
 phone number, email address, or other
 personal identifying information in your
 comment, you should be aware that
 your entire comment—including your
 personal identifying information—may
 be made publicly available at any time.
 While you can ask us in your comment
 to withhold your personal identifying
 information from public review, we
 cannot guarantee that we will be able to
 do so.

In connection with its processing of
 SWE's and Western's application, the
 BLM is also segregating the public lands
 within the project application area for
 the project from appropriation under
 public land laws, including the Mineral
 Law of 1872, as amended, but not the
 Mineral Leasing or the Material Sales
 Acts, for a period of 2 years from the
 date of publication of this notice. This
 is done under the authority contained in
 43 CFR 2091.3-1(e) and 43 CFR
 2804.25(e), and is subject to valid
 existing rights. The public lands
 contained within this temporary
 segregation total approximately
 18,789.71 acres and are described as
 follows:

Mount Diablo Meridian

T. 28 S., R. 63 E.,

Sec. 22, that portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ lying east of the easterly right-of-way of S.R. 95 NVCC-020733;

Sec. 23, that portion lying east of the easterly right-of-way of S.R. 95 NVCC-020733, excepting Patent No. 27-72-0013, and patented mineral surveys;

Sec. 24, excepting patented mineral surveys;

Sec. 25, excepting patented mineral surveys;

Sec. 26, excepting patented mineral surveys;

Sec. 27, those portions of lots 1, 8, 9, 10, 14, and 15 lying east of the easterly right-of-way of S.R. 95 NVCC-020733.

T. 29 S., R. 63 E.,

Sec. 1;

Sec. 11, that portion lying east of airport leases NEV-065340 and N-81843;

Sec. 12, NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;

Sec. 13;

Sec. 14, that portion lying east of the easterly right-of-way of S.R. 95 NVCC-020845, excepting airport lease NEV-065340;

Sec. 24, that portion lying east of the easterly right-of-way of S.R. 95 NVCC-020845;

Sec. 25, that portion lying east of the easterly right-of-way of S.R. 95 NVCC-020845.

T. 28 S., R. 64 E.,

Secs. 19 and 20;

Sec. 26, those portions of the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, lying north of the northerly right-of-way of Cottonwood Cove Road;

Secs. 27 and 28;

Sec. 29, excepting patented mineral surveys;

Sec. 30, excepting patented mineral surveys;

Sec. 31, excepting patented mineral surveys;

Sec. 32, excepting patented mineral surveys;

Secs. 33 and 34.

T. 29 S., R. 64 E.,

Sec. 4;

Sec. 5, excepting patented mineral surveys; Secs. 6 to 8 inclusive, 17 to 20 inclusive, and 29 and 30.

The area described contains 18,789.71 acres, more or less, in Clark County, Nevada.

The BLM has determined that this temporary segregation is necessary to ensure the orderly administration of the public lands by maintaining the status quo while it processes SWE's and Western's ROW applications for the above described lands. The temporary segregation period will terminate and the lands will automatically reopen to appropriation under the public land laws, including the Mining Law, if one of the following events occurs: (1) The BLM issues a decision granting, granting with modifications, or denying SWE's

and Western's ROW authorization request; (2) Publication in the **Federal Register** of a notice terminating this segregation; or (3) No further administrative action occurs at the end of this segregation. Any segregation made under this authority is effective only for a period of up to 2 years.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

Vanessa Hice,

Assistant Field Manager, Division of Lands.

[FR Doc. 2012-940 Filed 1-19-12; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[LLIDB00100 LF1000000.HT0000
LXSS024D0000 4500031313]

Notice of Public Meeting: Resource Advisory Council to the Boise District, Bureau of Land Management, U.S. Department of the Interior

AGENCY: Bureau of Land Management, U.S. Department of the Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Boise District Resource Advisory Council (RAC), will hold a meeting as indicated below.

DATES: The meeting will be held March 21, 2012, at the Boise District Office, located at 3948 S. Development Avenue, Boise, Idaho, beginning at 9 a.m. and adjourning at 4:30 p.m. Members of the public are invited to attend. A public comment period will be held.

FOR FURTHER INFORMATION CONTACT: MJ Byrne, Public Affairs Officer and RAC Coordinator, BLM Boise District, 3948 Development Ave., Boise, ID 83705, Telephone (208) 384-3393.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in southwestern Idaho. Items on the agenda include reports by the RAC's Resource Management Plan Subgroup on its collaboration with the development of the Four Rivers Field Office Resource Management Plan. A progress report on the Paradigm Project will be provided by the District's Fuels Program, and the environmental impact statement for renewal of 25 grazing permits in western Owyhee County. An update will also be given on

accomplishments during FY 2011 and plans for FY2012, related to implementation of the Omnibus Public Lands Management Act of 2009, Subpart F—Owyhee Public Land Management. Each field manager will discuss progress being made on priority actions in their offices. Agenda items and location may change due to changing circumstances. The public may present written or oral comments to members of the Council. At each full RAC meeting, time is provided in the agenda for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance should contact the BLM Coordinator as provided above. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-(800) 877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

Dated: January 12, 2012.

Aden L. Seidlitz,
District Manager.

[FR Doc. 2012-1119 Filed 1-19-12; 8:45 am]

BILLING CODE 4310-GG-P

INTERNATIONAL TRADE COMMISSION

[DN 2871]

Certain Video Displays and Products Using and Containing Same; Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In Re Certain Video Displays and Products Using and Containing Same*, DN 2871; the Commission is soliciting comments on any public interest issues raised by the complaint.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS)

Laughlin Nevada Times

Proof of Publication

STATE OF NEVADA)
County of Clark) ss

I, **Linda Delano**, am the legal representative of the printer and publisher of the **LAUGHLIN NEVADA TIMES**, a weekly newspaper circulated in the English language on Wednesday in the Laughlin area, County of Clark, State of Nevada.

Notice Type / Description **SEARCHLIGHT WIND
ENERGY PROJECT DRAFT ENVIRONMENTAL
IMPACT STATEMENT PUBLIC MEETING
ANNOUNCEMENT**

That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 1, 2012



Representative Signature

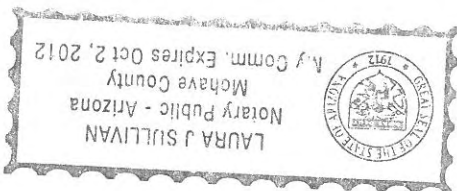
I certify (or declare) under penalty of perjury the foregoing is true and correct as subscribed and sworn to before me this

1 day of February, 2012



Notary Public

(My commission expires 10-2-2012)



**SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC MEETING ANNOUNCEMENT**

The Bureau of Land Management (BLM) is holding public meetings to receive comments on the Searchlight Wind Energy Project Draft Environmental Impact Statement (EIS). Please plan to attend one of the following meetings:

Location	Date	Time	Address
Laughlin	Tuesday, February 21, 2012	6 pm - 8 pm	Clark County Regional Government Center 101 Civic Way Laughlin, NV
Searchlight	Wednesday, February 22, 2012	6 pm - 8 pm	Searchlight Community Center 200 Michael Wendell Way Searchlight, NV
Boulder City	Thursday, February 23, 2012	6 pm - 8 pm	Boulder City Library 701 Adams Blvd. Boulder City, NV

For further information, please contact Gregory Helseth, BLM Project Manager, at (702) 515-5176 or send an email to: blm_nv_snd@searchlightwindenergyEIS@blm.gov.

Printed: February 1, 2012
12134192

BOULDER CITY REVIEW
PROOF OF PUBLICATION

I, Maggie Wimmer, hereby swear and depose

that the attached advertisement

was published for

NEWFIELDS

in **Boulder City Review**, a Nevada Newspaper,

on the following date(s):

February 2, 2012

Verified this 3rd day of February, 2012 by

/s/ Maggie Wimmer

Maggie Wimmer

Boulder City Review Advertising

/s/ Ana Quiquix-Martinez

Ana Quiquix-Martinez

Notary Public

SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC MEETING ANNOUNCEMENT

The Bureau of Land Management (BLM) is holding public meetings to receive comments on the Searchlight Wind Energy Project Draft Environmental Impact Statement (EIS). Please plan to attend one of the following meetings:

Laughlin

Tuesday, February 21, 2012

6 pm – 8 pm

Clark County Regional Government Center,
101 Civic Way Laughlin, NV

Searchlight

Wednesday, February 22, 2012

6 pm – 8 pm

Searchlight Community Center
200 Michael Wendell Way
Searchlight, NV

Boulder City

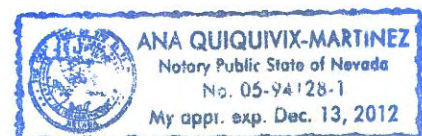
Thursday, February 23, 2012

6 pm – 8 pm

Boulder City Library
701 Adams Blvd.
Boulder City, NV

For further information, please contact Gregory Helseth, BLM Project Manager, at (702) 515-5176 or send an email to: blm_nv_sndr_searchlightwindenergyEIS@blm.gov.

PUB: February 2, 2012 Boulder City Review



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,


NEWFIELDS INTERNATIONAL LLC

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was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/06/2012 to 02/06/2012, on the following days:

02/06/2012



SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC MEETING ANNOUNCEMENT

The Bureau of Land Management (BLM) is holding public meetings to receive comments on the Searchlight Wind Energy Project Draft Environmental Impact Statement (EIS). Please plan to attend one of the following meetings:

Laughlin
Tuesday, February 21, 2012
6 pm – 8 pm
Clark County Regional Government Center,
101 Civic Way Laughlin, NV

Searchlight
Wednesday, February 22, 2012
6 pm – 8 pm
Searchlight Community Center
200 Michael Wendell Way
Searchlight, NV

Boulder City
Thursday, February 23, 2012
6 pm – 8 pm
Boulder City Library
701 Adams Blvd.
Boulder City, NV

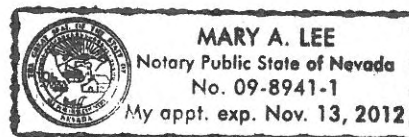
For further information, please contact Gregory Helseth, BLM Project Manager, at (702) 515-5173 or send an email to: blm_nv_sndr_searchlightwindenergyEIS@blm.gov.
PUB: February 6, 2012 LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

6th day of February, 2012.

Mary A. Lee
Notary Public





SEARCHLIGHT WIND ENERGY PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT PUBLIC MEETING ANNOUNCEMENT

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6 pm – 8 pm

Clark County Regional Government Center

101 Civic Way

Laughlin, NV 89029

SEARCHLIGHT

Wednesday, February 22, 2012

6 pm – 8 pm

Searchlight Community Center

200 Michael Wendell Way

Searchlight, NV 89046

BOULDER CITY

Thursday, February 23, 2012

6 pm – 8 pm

Boulder City Library

701 Adams Blvd.

Boulder City, NV 89005

For further information, please contact Gregory Helseth, BLM Project Manager,
at (702) 515-5176 or send an email to: blm_nv_sndc_searchlightwindenergyEIS@blm.gov.



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Boulder City, NV 89005

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Appendix A-3: Public Hearing Materials

Appendix A-4: BLM Response to Comments on the DEIS

Federal Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94108

APR 18 2012

Gregory Helseth
Bureau of Land Management/Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

Subject: Draft Environmental Impact Statement for the Searchlight Wind Energy Project, Clark County, Nevada (CEQ #20120010)

Dear Mr. Helseth:

The U.S. Environmental Protection Agency (EPA) has reviewed the January 2012 Draft Environmental Impact Statement for the proposed Searchlight Wind Energy Project in Clark County, Nevada. Our review and comments are provided pursuant to the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA supports increasing the development of renewable energy resources, as recommended in the National Energy Policy Act of 2005, in an expeditious and well planned manner. Using renewable energy resources such as wind power can help the nation meet its energy requirements while reducing greenhouse gas emissions. We encourage BLM to apply its land management and regulatory authorities in a manner that will promote a long-term sustainable balance between available energy supplies, energy demand, and protection of ecosystems and human health.

According to the subject DEIS, Searchlight Wind Energy, LLC, a subsidiary of Duke Energy, has filed an application for a right-of-way authorization with the Bureau of Land Management to construct, operate, maintain, and decommission a wind energy facility that would generate up to 200 MW of energy and be located on approximately 18,949-acres of both private and BLM-administered land. The proposed Project would include wind turbine generators, an operations and maintenance facility, transmission line, four meteorological masts, laydown areas, a temporary rock crusher and concrete batch plant, two substations, and access roads. In addition, the Western Area Power Administration has submitted a ROW application to the BLM to construct, operate and maintain a new switching station to interconnect the Searchlight Wind Energy Project (SWEP).

On December 17, 2008, EPA provided formal scoping comments for the proposed Project. We identified several issues, including potential impacts to water resources, air quality, habitat, vegetation, and wildlife, as well as the cumulative impacts to these resources.

Based on our review of the subject DEIS, we have rated the project and the document as *Environmental Concerns - Insufficient Information* (EC-2). Please see the enclosed "Summary of Rating Definitions." An "EC" signifies that EPA's review of the DEIS has identified environmental impacts that should be avoided in order to provide adequate protection for the environment. A "2" rating signifies that the DEIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment. EPA is concerned with the impacts to air quality, water resources, biological resources, and cultural resources; as well as with the scope of the cumulative impact analysis. In the enclosed detailed comments, we provide specific recommendations regarding analyses and documentation needed to assist in assessing potential significant impacts from the proposed Project.

We appreciate the opportunity to review this DEIS and are available to discuss our comments. Please send one hard copy and one CD ROM copy of the FEIS to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please contact me at (415) 972-3521, or Anne Ardillo, the lead reviewer for this project. Anne can be reached at (415) 947-4257 or ardillo.anne@epamail.epa.gov.

Sincerely,



Kathleen Martyn Goforth, Manager
Environmental Review Office (CED-2)

Enclosures: EPA Summary of Rating Definitions
EPA Detailed Comments

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that it should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purpose of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment as a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

US EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED SEARCHLIGHT WIND ENERGY PROJECT, CLARK COUNTY, NEVADA, APRIL 18, 2012.

Air Quality

The DEIS analyzes the proposed 96-Wind Turbine Generator Alternative and an 87-WTG Alternative, and indicates that BLM selected the 87-WTG Alternative as the Preferred Alternative, in part, because it would minimize impacts to sensitive biological resources and air quality. According to the DEIS, the 96-WTG Alternative would exceed the threshold for particulate matter emissions during construction, even after mitigation (p. ES-xiii). In contrast, under the preferred alternative, tailpipe and fugitive dust emissions generated from construction equipment would not contribute to regional exceedances of the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants (p. ES-xvi). It is unclear what standard thresholds were used for particulate matter emissions.

Recommendation:

In the FEIS, explain what standard thresholds for particulate matter emissions were used. EPA recommends that the FEIS include, in tabular format for each alternative project, emission contributions toward NAAQS, and demonstrate whether or not each alternative will contribute to regional exceedances based on these standards.

The current de minimis levels for the Las Vegas area are: CO 100 tons/year; NO_x 100 tons/year; and PM₁₀ 70 tons/yr. The DEIS states that the yearly construction emissions for the 87 WTG Layout would be less than the de minimis thresholds as specified under the General Conformity Rule (40 CFR 93), thus conforming to the SIPs and the regional air quality plans. This statement appears to be incorrect, since Table 4.6-5 shows that the proposed Project PM10 levels will exceed the current de minimis level in that area.

Recommendation:

Clarify, in the FEIS, for each alternative, whether PM10 levels exceed current de minimis levels in that area. EPA recommends BLM work with the local air district and EPA to complete the evaluation and to determine whether general conformity can be achieved.

Water Resources

Drainages and Ephemeral Washes

Natural washes perform a diversity of hydrologic, biochemical, and geochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and adapted to their unique conditions. The potential damage that could result from disturbance of flat-bottomed washes includes alterations to the hydrological functions that natural channels provide in arid ecosystems, such as adequate capacity for flood control, energy dissipation, and sediment movement; as well as impacts to valuable habitat for desert

Section 4.6-Air Quality Impacts has been amended to use the correct PM-10 emissions threshold of 70 tons/year. Section 4.6-Air Quality Impacts has been updated to include, in tabular format, each alternative, emission contributions toward NAAQS, and demonstrate whether or not each alternative will contribute to regional exceedances based on these standards.

Section 4.6-Air Quality Impacts has been amended to use the correct PM-10 emissions threshold of 70 tons/year. BLM and Applicant will work with the local air district and EPA to complete the evaluation and to determine whether general conformity can be achieved.

species. The DEIS provides minimal information on the direct and indirect impacts to these resources as a result of the proposed Project and fails to consider the up- and downstream reach and extent of these aquatic features or their importance in this desert landscape.

Recommendations:

The FEIS should characterize the functions of aquatic features, such as washes, on the proposed Project site and discuss potential mitigation for impacts to those not subject to protection as waters of the U.S.

To avoid and minimize direct and indirect impacts to desert washes (such as erosion, migration of channels, and local scour):

- Do not place turbine support structures in washes or waters.
- Commit to the use of natural washes, in their present location and natural form and including adequate natural buffers, for flood control to the maximum extent practicable.
- Demonstrate that the proposed Project layout, roads, and drainage channels have been configured to avoid ephemeral washes, including desert dry wash woodlands within the proposed Project's footprint.
- Include a functional assessment of the waters on the proposed Project site and describe the changes to the function of those waters that would result from the proposed Project.

Fencing

The DEIS does not provide information about fencing nor the effects of fencing on drainage systems. By entraining debris and sediment, fencing can interfere with natural flow patterns. Fence design should address hydrologic criteria, as well as security performance criteria.

Recommendations:

Provide more detailed information, in the FEIS, about fencing and potential effects of fencing on drainage systems. Ensure that the fencing proposed for this project will meet appropriate hydrologic performance standards.

Review the National Park Service's published article¹ on the effects of the international boundary pedestrian fence on drainage systems and infrastructure, and ensure that such issues are adequately addressed with this project.

Floodplain Hazards

Executive Order 11988 Floodplain Management requires federal agencies to avoid, to the extent possible, the long and short-term adverse impacts associated with the occupancy and modification of floodplains. According to the DEIS, approximately 0.32 square mile of a FEMA designated Zone A 100-year floodplain traverses the southwestern part of the proposed Project. Another designated 100-year floodplain lies immediately outside the northeastern boundary of the project area. Drainage within the proposed Project area occurs via sheet flow, and extreme

Section 3.3-Water Resources characterizes the function of ephemeral washes as periodic storm water conveyance. MM-Water-1-7 and APMs 1, 4, and 5 accomplish these objectives as they are designed to protect and maintain the function of the existing ephemeral drainages to the extent possible.

Section 2.3.3-Public Access and Safety has been updated to reflect that project fencing would be designed and constructed to meet appropriate hydrologic performance standards both for flows and to protect water quality and meet regulatory requirements.

¹ National Park Service, August 2008, Effects of the International Boundary Pedestrian Fence in the Vicinity of Lukeville, Arizona, on Drainage Systems and Infrastructure, Organ Pipe Cactus National Monument, Arizona.

rain events can result in substantial damage due to flood waters across the project and localized areas (p. 4-18).

Recommendations:

Include in the FEIS an evaluation of the project to demonstrate the project's compliance with Executive Order 11988.

The FEIS should provide a detailed description of the current FEMA floodplain.

The results of consultation with FEMA, if appropriate, should be included in the FEIS.

Water Supply

The DEIS states that all water would be obtained from either the existing Searchlight Water System, which is supplied by two wells, or another existing water right in the Searchlight area and transported to the proposed Project site. No wells would be drilled or springs developed for use by the proposed Project (p. 4-15). According to the 2006 Searchlight Water Conservation Plan, water is currently supplied to residents by the aforementioned two wells (S-1 and S-2). Well S-2 was drilled in 1990 and is the primary production well. The water table at Well S-2 has declined steadily over time. The plan indicates that, should this trend continue, Well S-2 will be unable to meet projected future demands for the town of Searchlight. Well S-1 was drilled in 1983 and serves as an emergency backup well, with limited resource and pumping capacity (p. 1).

Recommendation:

The FEIS should confirm the availability of an adequate water supply for construction and operations of the proposed Project and fully evaluate the environmental impacts associated with the ultimately proposed supply of water.

Clean Water Act (CWA) Section 404 Jurisdictional Determination

According to the DEIS, a formal jurisdictional delineation was conducted and identified areas under the jurisdiction of the US Army Corps of Engineers. USACE jurisdictional non-wetland Waters of the US total 0.174 acres, with no USACE jurisdictional wetlands occurring (p. 3-16). According to Chapter 4 of the DEIS, the approved jurisdictional determination stated that the USACE would require a Section 404 permit (p. 4-19). It is our understanding that the proposed Project may qualify for a Nationwide Section 404 Permit for construction of an access road and drainage system crossing jurisdictional waters located within the boundaries of the proposed Project.

Recommendation:

The FEIS specify whether the project will require an individual section 404 permit or be covered under a nationwide permit, and should include a final determination of the extent of jurisdictional waters at the project site.

The FEIS includes a description of the possible presence of a FEMA mapped flood hazard zone and include potential impacts, if any, on the Project and describe mitigating measures to reduce possible flood impacts.

The Applicant will coordinate with the Las Vegas Valley Water District to support the water needs for the project. If sufficient resources are not available, the Applicant will procure water from local willing sellers.

See Section 3.3.2.6-Jurisdictional Waters, Drainages, and Riparian Areas, for determination of jurisdictional waters at the project site. It is anticipated the Project would qualify for a Nationwide Section 404. The Corps is planning on processing the application upon completion of the NEPA process.

Biological Resources

EPA is concerned about potential impacts to sensitive wildlife species, since the proposed area supports resident and migratory birds, mammals, reptiles, and their supporting habitats, including desert tortoise, golden eagles, burrowing owls, desert bighorn sheep, chuckwallas, and many bat species. Long-term impacts may occur as a result of permanent loss of habitat, increased predation, habitat fragmentation, and collisions with wind turbines and vehicles.

Consultation and Coordination with U.S. Fish and Wildlife Service

The DEIS states that the applicant and Western Area Power Administration have prepared a Biological Assessment to assess SWEP impacts on desert tortoise and will submit it to the US Fish and Wildlife Service for a Biological Opinion. The BO should play an important role in informing the decision on which alternative to approve and what commitments, terms, and conditions must accompany that approval; however, it is unclear whether a BO is currently under development specific to the resources identified. It is also unclear whether USFWS has reviewed or commented on the adequacy of the surveys and monitoring of biological resources conducted to date.

Recommendations:

We urge BLM to coordinate with USFWS on the timing of the Biological Opinion and the FEIS. Ideally, the FEIS should be published after the BO has been released, and should include the BO as an appendix. If this is not possible, the FEIS should provide an update on the consultation process and explain how the BO will be factored into BLM's decision making.

Mitigation and monitoring measures that result from consultation with USFWS to protect sensitive biological resources should be included in the FEIS and, ultimately, the Record of Decision.

Discuss, in the FEIS, coordination with USFWS and their review of the surveying, monitoring, and reporting protocols completed to date. Include a commitment to consistent application of USFWS supported methods in future protection and mitigation efforts.

USFWS finalized the voluntary Land-Based Wind Energy Guidelines on March 23, 2012, which provide a structured scientific process for addressing wildlife conservation concerns at all stages of land-based wind energy development. They also promote effective communication among wind energy developers, government agencies and local conservation organizations and tribes. The Guidelines use a "tiered approach" for assessing adverse effects to species of concern and their habitats.²

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

² US Fish and Wildlife, Land-Based Wind Energy Guidelines, March 23, 2012, Available: <http://www.fws.gov/windenergy/>

Recommendation:

Coordinate with USFWS to incorporate recommendations from the recently published USFWS Land-Based Wind Guidelines into the FEIS and ROD. Given the current status of the project, Tier 3 of the Guidelines (Field Studies and Impact Prediction) may be the most appropriate section with which to start.

Bats

According to the U.S. Geological Survey, bat fatalities have been documented at nearly every wind facility in North America where adequate surveys for bats have been conducted. Thousands of bats are estimated to have been killed each year at these sites. The DEIS indicates that 13 out of 16 bat species found in SWEP area have some federal or State special status and that bat activity in the area is generally considered to be lower than at other locations in Nevada (p. 3-25). EPA is concerned that bat use at the proposed site may have been underestimated.

According to the DEIS, no topographic or habitat features that are considered bat attractants exist within or immediately adjacent to the proposed Project area, and that accounts for the low bat use. Table 3.1-2, indicates that there are 561 active and 1,862 closed mining claims within and adjacent to the proposed Project area, however, it is unclear how many represent mining operations. Abandoned mines often serve as roosting sites and maternity colonies and are prime habitat for many different types of bats. Bat surveys conducted in 2008-2009 and 2009-2010 indicated that only two mining complexes were monitored for both years. Given the large number of mining claims and the historic use of the area, it is unclear if there are additional mines that should be surveyed. The DEIS acknowledges that no correlation has been established between preconstruction surveys and post-construction fatalities (NWCC30, 2010); therefore, even though bat activity in the area may be lower than at other locations in Nevada, the proportional effects on the bat population cannot be predicted.

Recommendation:

The FEIS should clarify the number of mine sites in and adjacent to the proposed Project area. BLM should consider whether bat surveys should be conducted at additional mine sites. If not, the FEIS should explain the rationale for surveying only 2 mining complexes.

The DEIS states that detention ponds will be used to control stormwater flow offsite (p. 2-36). We are concerned that these basins may provide a water source for bats and serve as an attractant to the SWEP site.

Recommendations:

Incorporate design features for proposed detention basins (e.g. pond netting, fencing), and commit to regular inspection and maintenance, to ensure proper protection of bats, birds, and wildlife.

The FEIS should describe avoidance measures to deter bats from roosting in the additional man-made structures.

Refer to Section 5.2.3-Coordination on the BBCS and Appendix B-4: Bird and Bat Conservation Strategy (formerly referred to as the Avian and Bat Protection Plan [ABPP]), which have been added to the EIS.

BLM reviewed the mine information in the area and selected the mines that they were most concerned about due to previous surveys and possible hibernacula.

Acoustic monitoring at the Project revealed the presence of 16 species of bats, which is a relatively high diversity. The richness reflects the topographical diversity found at the Project, which accounts for available foraging and roosting habitats (O'Farrell 2010). The level of species richness may also be a function of intensive sampling over 2 full years, unlike many acoustic-monitoring studies, which are limited to certain seasons. Taking this into consideration, it is unlikely that bat diversity and use of the area have been underestimated.

Detention ponds would be a temporary bat attractant, but would be reclaimed after construction is completed as stated in MM-BIO-1. Refer to Section 2.3.2-Construction under Temporary Concrete Batch Plant for a description of wildlife deterrent measures. If necessary, an artificial pond permit would be obtained from the Nevada Department of Wildlife. The artificial pond permit would require regular inspection, maintenance, and reporting of wildlife mortality.

The only permanent structures include the O&M building, WTGs, and the switching station, which are all unlikely to provide roosting opportunities; therefore, no mitigation measures are proposed.

Migratory Birds

EPA is concerned that avian use at the proposed site may have been underestimated. For example, the DEIS concludes that, compared with raptor use of other wind energy facilities, raptor use at the proposed Project area is relatively low and, therefore, raptor negative interactions would be minimized and mortality is anticipated to be low (p. 4-36). However, it is unclear whether prey availability or variations in biotic factors were considered or accounted for when the avian surveys were conducted. Raptor nesting surveys conducted in 2009 and 2010 demonstrated that 23 red-tailed hawk nests were found within the project area and 10-mile buffer. The DEIS does not explain if the number of raptor nests found was of any significance, and if they were factored in determining the proposed Project area's raptor use.

The DEIS also states that the proposed Project area does not receive a large influx of breeding birds during spring and migrants pass through infrequently, suggesting that birds are not abundant and most fly below the rotor sweep area. These results suggest a low likelihood of interactions with turbines and a low overall risk to birds (p. 4-35). However, avian surveys conducted in 2007-2009 do not account for nocturnal migrants. The avian report acknowledges that, at newer generation wind energy facilities outside of California, approximately 80 percent of documented mortalities have been songbirds, of which 50 percent are often nocturnal migrants. In addition, calculations used to determine the encounter rates for the proposed Project did not account for the migrating behavior of nocturnal migrants.

Recommendations:

Elaborate on risk assessment methods and how seasonal, prey, and biotic variations and uncertainty of avian and bat numbers and use were accounted for.

Conduct nocturnal avian surveys to account for avian species that migrate at night and incorporate the results in risk assessment, siting, mitigation and avoidance measures.

The DEIS indicates that the Pacific Flyway, a major migratory route for millions of birds and waterfowl, extends through the western portion of the proposed Project area (p. 3-29). While this is disclosed in the document, it is not discussed in the avian use analysis.

Recommendation:

Include a discussion of the Pacific Flyway in the avian use analysis of the proposed Project site.

The DEIS states that an Avian and Bat Protection Plan (MM BIO-5) will be developed that will include pre-construction surveys and post-construction monitoring. The ABPP will incorporate mitigation requirements and adaptive techniques to minimize impacts to avian and bat species and will span a 3-year period (p. 2-30).

Recommendations:

Include a copy of the Avian and Bat Protection Plan in the FEIS and ROD. The ABPP should describe how mortalities of red-tailed hawks and other avian species will be assessed and evaluated for compliance with the Migratory Bird Treaty Act.

Refer to Section 5.2.3-Coordination on the BBCS and Appendix B-4: Bird and Bat Conservation Strategy (formerly referred to as the Avian and Bat Protection Plan [ABPP]), which have been added to the EIS.

Early in the project methods nocturnal avian surveys were considered. However, little data exists that correlates migrant passage rate with mortality at wind farms; therefore, it was determined that nocturnal migrant surveys would not help in assessing impacts to birds. For more information refer to Appendix B-4: Bird and Bat Conservation Strategy.

Added a discussion of the bird use in the area relative to the Pacific Flyway in Section 4.4.5.11 Migratory Birds - Direct and Indirect Effects by Alternative and in Appendix B-4: Bird and Bat Conservation Strategy.

Appendix B-4: Bird and Bat Conservation Strategy has been added to the EIS.

Golden Eagles

In 2009, a helicopter survey for raptor nests within the project boundary and a 2-mile buffer was conducted and no active golden eagle nests were found. In 2011, another survey was conducted between a 2-mile and a 10-mile buffer of the project area. All golden eagles identified were located on cliffs at least 4 miles from the project area. In addition, two nests were located approximately 10 miles from the project site boundary (p. 3-31). The 2011 raptor nesting survey references studies conducted in Idaho and suggests that golden eagle home range size should not overlap the project boundary; however, it acknowledges that data from a more xeric environment is lacking and home range of these golden eagles cannot be estimated from the nest data alone. In February 2011, USFWS issued Draft Eagle Conservation Plan Guidance. The Eagle Conservation Plan Guidance provides the background information necessary for wind energy project proponents to identify appropriate siting, design, and operational modifications that can be incorporated into an Eagle Conservation Plan (ECP) that will assess the risk of their project(s) to eagles and how to mitigate that risk.

Recommendations

Coordinate with USFWS on the development of an Eagle Conservation Plan and post-construction fatality monitoring. Include the ECP in the FEIS.

Cumulative Impact Assessment

Cumulative impacts are defined in the Council on Environmental Quality's (CEQ) NEPA regulations as "the impact on the environment that results from the incremental impact of the action when added to the other past, present, and reasonable foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such actions (40 CFR Part 1508.7)". The DEIS indicates that, within the project vicinity, there are ongoing mining operations (at a small scale), electric transmission lines, pipelines and a nearby airport. We understand, however, that there may be two solar projects nearby: American Capital Energy/Searchlight Solar LLC, 1.5 miles northwest west of Searchlight (currently in the permitting process), and Nevada Solar One in Boulder City. It is unclear why these were not included in the cumulative impact assessment.

The DEIS states that the geographic boundary utilized for the assessment of cumulative impacts is defined as the SWEP area and an immediately adjacent buffer sized 25 % larger than the project area (p. 4-129). The DEIS identifies resources affected by the proposed Project and the Western transmission line, provides a brief description and cumulative impact discussion and discusses the rationale for spatial scope of the analysis (Table 4.20-1). In its cumulative impact analysis, there is no mention of the project's potential effects on the health of the area's population of threatened desert tortoise. CEQ guidance indicates³ that choosing the appropriate scale to use for cumulative effects analyses is critical (CEQ Guidance, p. 12). According to the guidance, the geographic areas occupied by affected resources outside of the project impact zone should be identified, and in most cases, the largest of these areas will be the appropriate area for

Appendix B-4: Bird and Bat Conservation Strategy has been added to the EIS. The decision if a take permit (and associated ECP) is being requested is between the FWS and Searchlight Wind Energy, LLC.

³ Council on Environmental Quality, "Considering Cumulative Effects Under the National Environmental Policy Act, January 1997. Available: http://ceq.hhs.gov/publications/cumulative_effects.html

the analysis of cumulative impacts (CEQ Guidance, p. 15). CEQ suggests that, for resident wildlife, a species' habitat or ecosystem should be used in a cumulative impact analysis.

Recommendations:

EPA recommends that the BLM expand its cumulative impact assessment to include the Searchlight and Nevada Solar One solar projects and any other past, present, or reasonably foreseeable future actions that may affect the same resources as the proposed Project.

EPA recommends that the impacts to the threatened Mojave desert tortoise be included in the cumulative impact assessment. We recommend consulting with the USFWS on an appropriate boundary and spatial scope for this analysis.

Consultation with Tribal Governments

Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act. Historic properties under the NHPA are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, to consult with the appropriate State Historic Preservation Officer or Tribal Historic Preservation Officer.

Executive Order 13007, Indian Sacred Sites (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners, and to avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States' government-to-government relationships with Indian tribes. President Obama directed all federal agencies to develop an action plan to implement this Executive Order by February 3, 2010. For more information, refer to: <http://www.whitehouse.gov/the-press-office/memorandum-tribal-consultation-signed-president>.

BLM initiated consultation with the Chemehuevi Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Hualapai Tribe, Fort Yuma-Quechan Tribe, Las Vegas Paiute Tribe, Moapa Band of Paiute, and Pahrump Paiute Tribe. Consultations are still on-going for this project (p. 5-3). According to the DEIS, Spirit Mountain is a National Historic Place and is also listed as a Traditional Cultural Property for its significance to the Yuman tribes as the spiritual birthplace of the tribes. Spirit Mountain is about 10 miles southeast of the SWEP area. According to the DEIS, BLM is consulting with the Tribes to determine potential visual impacts from the SWEP (p. 3-36).

The DEIS indicates that construction and use of the proposed WTGs and associated access roads will have various levels of direct and indirect adverse effects on two prehistoric and three

Section 4.17 Cumulative Impacts Analysis has been updated.

historic sites that are eligible for NRHP listing. Types of mitigation recommended for these five sites include consultations between the proponent and the agencies to determine if some project elements can be rerouted or not constructed; development of a Treatment Plan for each eligible site, describing in detail how the impacts would be mitigated; and development of a Memorandum of Agreement outlining all of the affected parties' roles and responsibilities including the Treatment Plans (p. 4-40).

Recommendations:

The FEIS should describe the process and outcome of government-to-government consultation between the BLM and each of the tribal governments within the project area. Discuss issues that were raised, including Spirit Mountain, and how those issues were addressed in relation to the proposed action and selection of a preferred alternative.

Include a copy of each Treatment Plan and MOA in the FEIS.

National Historic Trails

BLM Wind Energy Development Program Policies and Best Management Plans state that the BLM will not issue ROW authorizations for wind energy development on lands on which wind energy development is incompatible with specific resource values. Lands that will be excluded from wind energy site monitoring, testing and development include designated areas that are part of National Historic and Scenic Trails (Appendix C, p. A-2). The development of the SWEP appears to be in conflict with this policy. The DEIS states that a review of historic maps indicates that the Mojave Route of the Old Spanish National Historic Trail is within the SWEP area (p. 3-35). In addition, approximately 1.5 miles of an existing road, which is an element of the proposed Project and proposed for upgrading, crosses the northern portion of the Old Spanish National Historic Trail. Construction activities would have minimal but permanent impacts on the trail (p. 4-94).

Recommendations:

Clarify whether the SWEP will include the Old Spanish National Historic Trail area and whether it will conflict with the BLM Wind Energy Development Program Policies and BMPs.

If mitigation measures are required, include them in the FEIS.

Completion of Plans

Searchlight Wind LLC has included a suite of Applicant Proposed Measures to avoid or minimize impacts of the proposed Project on environmental resources. While the DEIS provides expanded discussion on some of them, most of the specific plans associated with the APMs have yet to be developed. In addition, mitigation measures will require development of plans such as the Cactus and Yucca Salvage Plan, Wildlife Mitigation and Monitoring Plan, Terrestrial Wildlife Plan, and Traffic Management Plan.

Refer to Section 5.2.4-Native American Consultation for a summary of the tribal consultation process and results. The comments expressed would not differ between alternatives. An MOA, in consultation with the Nevada SHPO, will be completed prior to the signing of the ROD. Avoidance and proposed cultural mitigation measures as well as an ethnographic/ethno-historic study preclude the need for treatment plans for the NRHP-eligible properties.

Section 3.5-Cultural Resources has been modified to indicate that existing access roads and/or highways cross the Congressional route of the Mojave Road Variant of the Old Spanish Trail. No surface evidence of the trail is present and the town of Searchlight, bladed roads, and multiple transmission lines has already physically and visually impacted the corridor. No mitigation measures are recommended. In concurrence with the National Trails Intermountain Region Office of the NPS, there would be no conflict with the Mojave Route and this project. The proposed project is consistent with the BLM Wind Energy Development Program and Policies.

Implementation of applicant proposed measures are the responsibility of the Applicant as part of the proposed project. Although some mitigation measures have not yet been developed, all the elements of those plans are included in the EIS. The following mitigation plans have been completed and included in the document: Appendix B-1: Weed Management Plan, Appendix B-3: Terrestrial Wildlife Plan, and Appendix B-4: Bird and Bat Conservation Strategy

Recommendation:

Further discussion on all the APMS, such as identification of identifying responsible parties, relative timelines, potential impacts and expected effectiveness should be included in the FEIS. All salvage plans, mitigation and monitoring plans, wildlife plans and traffic management plan should be completed and included in the FEIS and ROD.

BLM requires that mitigation measures are identified as a stipulation of the ROW Grant. Development of mitigation plans often requires input, review, and approval by other regulating agencies such as USFWS, NDEP, DAQ, and NDOT and are not typically completed prior to a Final EIS. However, all the elements and basic requirements of the mitigation plans are discussed throughout the EIS.



United States Department of the Interior

NATIONAL PARK SERVICE
Lake Mead National Recreation Area
601 Nevada Way
Boulder City, NV 89005



IN REPLY REFER TO:

D18
xL30

April 18, 2012

Bob Ross, Field Manager
Bureau of Land Management
Las Vegas Field Office
4701 North Torrey Pine Drive
Las Vegas, NV 89130

**RE: Draft Environmental Impact Statement for the Searchlight Wind Energy Project
NVN-084626 and NVN-086777**

The National Park Service has reviewed the Draft Environmental Impact Statement (DEIS) for the Searchlight Wind Energy Project and offer the following comments.

General Comments:

The National Park Service (NPS) is a cooperating agency in the development of this DEIS, and as such, has provided comments on administrative drafts of this document. The NPS supports the development of renewable energy in the southwestern United States. It should be understood that the NPS comments are offered to refine alternatives to make the proposed project fit in the sensitive environmental setting of the Mojave Desert. Because of the unique purposes for which Congress created Lake Mead National Recreation Area on behalf of the public, we maintain that the proposal should be sensitive to the values of Lake Mead and the associated visitor experience.

In our previous comments, we are on record proposing the relocation or removal of 11 turbines that are located along the Cottonwood Cove Access Road. The reasoning for this request is to provide a minimal setback between the turbines and the visitors traveling the road to enter and experience Lake Mead National Recreation Area. These turbines include turbine numbers 27, 28, 29, 30, 31, and 32 on the north side of the Cottonwood Cove Access Road and turbines 33, 34, 35, 36 and 37 on the south side of the Cottonwood Cove Access Road, as illustrated and numbered on Figure 2-2 on page 2-5. We believe the 11 turbines could be relocated to southern portion of the project area as illustrated in Figure 2.3, the 161 WTG Layout Alternative.

In addition, the NPS has previously requested the relocation of the interconnect facility to a location that provides some separation from the park entrance station located on the Cottonwood Cove Access Road. Such a large and mechanical facility located immediately adjacent to the

The micro-siting of the 11 turbines is in compliance with BLM guidelines.

The location of the switching station is in compliance with BLM guidelines.

park entrance station is not compatible with the designed the entrance to Lake Mead National Recreation Area.

The NPS National Trails Intermountain Region office has reviewed documents and maps associated with the Searchlight Wind Energy Project near Searchlight, Nevada. This office co-administers the Old Spanish National Historic Trail (NHT) with BLM. While this segment is not on our draft list of high-potential segment, it appears that the northern portion of the project area overlies a portion of the Congressionally designated route of the NHT, and that the trail alignment is less than a mile from the southwestern boundary of the project area. We are concerned about the visual impacts of the wind turbine generators on the setting of the Old Spanish NHT and the trail experience. The towers are stated to be up to 427.5 feet high on p. xii, and a construction of this height will be visible for about 25 miles unless screened, using the common rule of thumb of $visible\ horizon = \sqrt{height\ in\ feet} \times 1.2\ miles$. The visual effects could be especially pronounced on the southwestern side of the project, which is currently less impacted by development and urban features, although we see that transmission lines, pipelines, and the US 95 highway cross the area. We recommend some of the westernmost towers on the southwest end of the project could be eliminated or moved further east within the current project area.

In the mitigation section there are a number of additional plans required. There may be additional planning identified as we move through the compliance process. Prior to final approval, the NPS requests the opportunity to review and comment on the Dust Management Plan, Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasure Plan, Waste Management Plan, Site Rehabilitation and Facility Decommissioning Plan, Restoration Plan, Traffic Management Plan, and Hazardous Materials Handling Management Plan.

The NPS also request the opportunity to participate in the development of the Emergency Response Plan and the Lighting Plan. We would seek the opportunity to help develop and implement the Wildlife Mitigation and Monitoring Plan and the Avian and Bat Protection Plan. Lastly, we believe it is important to verify the noise modeling that has been completed for this project by establishing a noise monitoring station within Lake Mead National Recreation Area following the completion of construction of the wind turbine generators. We believe it is incumbent on the project proponent to fund the monitoring elements that are required within the Recreation Area.

Specific comments:

Page xvi. Visual Resources. The plan states, "*All WTGs and Western's proposed switching station would be constructed with the designated visual resources management area (VRM) Class III areas. The project and switching station would introduce weak to moderate levels of contrast, which is the maximum allowable level of change for the VRM Class III areas.*" While this is true, the VRM classification was completed as part of the previous Resource Management Plan and prior to the legislated transfer for land in Section 26, Township 28 South, Range 64 East to be included in Lake Mead National Recreation Area. As part of this EIS process, it was agreed the park entrance station should serve as a Key Observation Point (KOP). It is our position that the view from this KOP is of greater value than the Class III classification provided

Section 3.5-Cultural Resources has been modified to indicate that existing access roads and/or highways cross the Congressional route of the Mojave Road Variant of the Old Spanish Trail. In November of 2012 the BLM consulted with the NPS National Trails Intermountain Region office representative and they concurred with the BLM that there would be no conflict between this route and the project either directly or visually due to this Congressional route already having been adversely impacted from historic and modern improvements along the corridor in the Searchlight Wind Energy Project vicinity. No mitigation is recommended for this project.

Comment noted.

Comment noted. These plans have been completed by the technical team including the USFWS, BLM, NDOW, and Tetratex, which has been in place since the beginning of the project. The Terrestrial Wildlife Plan and Bird and Bat Conservation Strategy (formerly known as the Avian and Bat Protection Plan [ABPP]) have been completed and included in the FEIS (Appendix B-3: Terrestrial Wildlife Plan and Appendix B-4: Bird and Bat Conservation Strategy).

A visual resources specialist per BLM Visual Resources Management guidance determined contrast ratings. An updated visual simulation for the proposed Western Switching Station has been included in the FEIS and re-evaluated. Text has been updated for this KOP to reflect a moderate contrast rating, which remains consistent with a Class III Visual Resources Management Area.

in the earlier agency planning. We also maintain the impact will likely be greater than “weak to moderate” and therefore find the switching station incompatible with the site selected.

Page 2-1, Lines 28-34. The document states, “*The project is subject to expensive development, transmission upgrade, and construction costs which add to the overall costs. In order for the project to achieve minimum commercial viability for purposes of meeting potential financing criteria, the minimum power generation requirements are 200 MW. The project achieves this minimum threshold of 200 MW using 87 Siemens 2.3 MW turbines. Below the 87 turbine threshold, therefore, the project becomes uneconomic.*” There are no data provided to support this statement and there is no project power agreement to say whether this project is economical or not. And if this statement is accurate, the 97 turbine alternative is not a practical alternative or there needs to be some additional information provided to support the 97 turbine alternative. We assert that a 175 MW alternative using 76 Siemens 2.3 MW turbines is economic and could be developed at this site. Such an alternative would only be necessary if the 11 turbines along the Cottonwood Cove Access Road (listed in our general comments) could not be relocated.

Page 2-4, Table 2-7 Mitigation Measures. Under MM NOI-1 it says that construction activities would be limited to “daytime” hours of 7 am to 10 pm. We would appreciate clarification as to why the hours of 7 pm to 10 pm are considered “daytime.” Campers and visitors to Lake Mead NRA would expect quieter conditions during these hours, so we are concerned about construction activities occurring during this period and the impacts they would have on resources and visitor experience at Lake Mead.

Under MM NOI-4 there is mention of maintaining a noise level not to exceed 43 dBA. We would appreciate the addition of a discussion as to how that number was chosen.

Page 2-11, Lines 1-23. The document states, “*Western’s primary selection criteria was to site its proposed switchyard within close proximity to the Davis-Mead 230-kV transmission line and meet BLM resource planning requirements, including siting the switchyard outside the Area of Critical Concern (ACEC), except for ½ mile area adjacent to a federally designated highway, per the BLM Resource Management Plan. In addition, Western’s site must comply with Federal and utility regulation which governs the power industry. Interconnections must have a redundant and diversely-routed communications for reliability; therefore, the switchyard location must have line-of-sight to one of Western’s nearby mountain-top communication sites for the primary communication path. The second, redundant communications path is less restrictive but also guided by regulation. Other operational requirements also impact location, including all-weather access to the switchyard during storm events and access to distribution power lines to provide primary station service power.*” The concern with this paragraph is that we believe Western failed to fully consider other alternatives to the site selected immediately adjacent to the National Park Service entrance station. It remains our position to relocate this facility to a location that does not conflict with the entrance to Lake Mead National Recreation Area. It may cost more to eliminate the conflict between the two facilities, but locating it immediately adjacent to the entrance to Lake Mead National Recreation Area is not appropriate.

Page 2-31, Lines 2-11. We recommend the description of the proposed switching station location include the proximity to the entrance to Lake Mead National Recreation Area. The

The micro-siting of these 11 turbines is in compliance with BLM guidelines.

Comment noted. MM-NOI-1 has been updated to include that blasting would be limited to the hours of 7:00 a.m. to 5:00 p.m. during weekdays only.

The Clark County noise ordinance limit is based on individual octave band limits, rather than an overall dBA number. The dBA scale is more familiar to most people. In order to provide a frame of reference, the individual octave band limits from the ordinance were combined into a single dBA number, which in this case equates to 43 dBA.

The location of the switching station is in compliance with BLM guidelines. See Section 2.2.3-Western’s Interconnection Switching Station Location Alternatives, for a discussion of alternatives considered but eliminated.

Section 4.2.1-Western’s Interconnection Switching Station has been updated to include the proximity of the proposed switching station to the NPS Entrance Station.

proposed facility would be right next to the park's entrance station, yet the project description fails to acknowledge this existing facility. In fact, the walls surrounding the proposed facility will abut the traffic monument on the north side of the entrance station. The electrical towers within the switching station will dwarf the entrance station and dominate the view as one approaches the entrance station.

Page 2-43, Interim Reclamation. The mitigation plan calls for the collection, storage and re-application of top soil. We have had some recent experience with top soil restoration efforts on Northshore Road and U.S. Highway 93 both in Arizona and Nevada. Top soil based restoration programs require planning ahead of time. We recommend a top soil management plan be required that outlines how the contractor will collect, store and reapply the top soil. Further, as part of the bid process, we recommend the management of topsoil be a separate bid item.

Page 3-46, Figure 3.8-1. This figure illustrates the Existing ROWs in the Project Area. It clearly shows the switching facility overlaying the National Park Service lands along the Cottonwood Cove Access Road at the entrance station. We believe this is an error. We recommend the Figure be revised to eliminate this conflict.

In addition to the NPS lands at the entrance station location, there is a NV Power right-of-way that extends north of the entrance station to the existing powerline. The switching facility will be located on top of this powerline as illustrated in Figure 3.8-1.

Page 3-50, Lines 22-30. The document states, "*Material site ROWs are allowed only within 0.5 miles of the centerline of Federal aid Highways and specified county roads, including US-95 and Cottonwood Cove Road (SR 164) (BLM 1998)*". We have stated in our earlier comments, that the Cottonwood Cove Access Road (east of Searchlight) is owned and maintained by Clark County and not a State Highway. SR 164 only exists on the west side of Searchlight. It is not clear if the County Road east of Searchlight is a Federal Aid Highway. We would appreciate any supporting information from Clark County or the Nevada Department of Transportation that this road is a Federal Aid Highway.

Page 3-55 & 3-60. Note that BLM Visual Resource Management guidelines do not address visual resources at night. The omission of dark skies in the BLM VRM methodology should be mentioned in either section 3.9 or section 3.9.4.7.

Page 3-60, Lines 9-10. The document states, "*No designated scenic vistas or state-designated scenic highways are within or within view of the Proposed Project Area.*" While this statement is technically true, the drive down to Lake Mohave from Searchlight on the Cottonwood Cove Access Road is highly scenic and steps should be taken to protect that scenic drive. This is the foundation for our earlier comment to relocate 11 turbines currently proposed to be located within one mile of the access road. This road's primary use is to enter Lake Mead National Recreation Area and over 300,000 visitors enter the park at this entrance each year. We maintain this provides ample reason to protect the scenic nature of this drive. The BLM does not have to have state scenic road designation to protect this view.

Comment noted. A reclamation plan is a condition of the bonding process and will be approved by the BLM (BLM-IM-2009-043).

Figure 3.8-1. Existing ROWs in the Project Area. has been revised. The proposed project would not encroach on NPS ROW.

For a map of Federal Aid Highways that included SR 164 see the following link:

http://www.nevadadot.com/uploadedFiles/NDOT/About_NDOT/NDOT_Divisions/Planning/Roadway_Systems/FCM_Clark.pdf

Refer to Section 3.9.4.7-Dark Skies for a discussion of dark skies policy.

Visual resources are analyzed for visual impacts whether or not there are presence of scenic vistas or state-designated scenic highways. All BLM administered surface acres are subject to the BLM's Visual Resource Management policy which calls for all BLM administered surface acres to be inventoried for visual values and Visual Resource Management (VRM) Classes be designated within the Resource Management Plan (RMP) establishing visual management objectives. The Cottonwood Cove Access Road is identified as a KOP and analysis performed to determine the project's conformance to the VRM Class objectives designated within the RMP.

Page 3-84, Lines 10-12. The document states, "*Lake Mead National Recreation Area is located east of the Proposed Project area. The Recreation Area boundary is approximately 11,000 feet from the nearest WTG. Lake Mohave and the associated lakeside camping areas are located approximately 7.5 miles from the nearest WTG.*" While this statement is generally accurate, there are additional noise sensitive receivers within Lake Mead National Recreation Area. Specifically, the Nellis Wash Wilderness is located within the two-mile radius from Wind Turbine Generators as illustrated on Figure 3.10-1. The National Park Service is to manage wilderness to protect the wilderness character as defined in the Wilderness Act of 1964. Wilderness character includes untrammeled; undeveloped, natural, outstanding opportunities for solitude or primitive unconfined recreation or unique attributes or other features that reflect the character of this wilderness. Dispersed camping is a common use of wilderness and should be included in the description of Lake Mead National Recreation Area and specifically, the Nellis Wash Wilderness. We recommend this information be included in the Chapter 3 description of the area. We also recommend it be repeated or referenced under the recreation heading currently beginning on page 3-88 and illustrated in Figure 3.11-1 Recreation Opportunity Spectrum Designations.

Page 3-86, Lines 1-2. The statement that "*Notably, the NPS did not include sound level data measured during high wind conditions, and as such, the ambient data presented reflect very conservative levels, including times....*" does not adequately clarify the accepted convention for avoiding measurement when accurate environmental sound levels are extraordinarily difficult to measure. NPS respectfully requests that it be changed to read "Notably, the NPS did not include sound level data measured when wind speeds near the microphone exceeded 5 m/s (11 mph), in compliance with national standard ANSI 12.18 Section 4.4.1.1. As such, the ambient data presented reflect conservative levels, including times...."

Page 4-26, Lines 35-44. The conclusions made in Lines 39-42 regarding the Barber et al. 2009 article are inaccurate. One of the co-authors of the Barber et al. 2009 article works in the NPS Natural Sounds and Night Skies Division and does not believe that the claims made in this sentence are supported by their article. Wind turbine noise has been shown to substantially alter antipredator behavior in ground squirrels due to masking (Rabin et al. 2006). Those squirrels spent much more time scanning their environment visually in a noisier environment, which meant less time for foraging and other activities. They also reacted much more vigorously to any perceived threat, and took much longer to recover and resume normal behavior after their threat responses. We would appreciate if this sentence was removed from the document.

Overall, we would greatly appreciate if the discussion on potential noise impacts to wildlife is expanded. We understand that there are no current quantitative thresholds or standards on wildlife, but there are several sources of literature documenting noise impacts to wildlife that should be discussed. Lines 37-39 make it appear as though the research on noise impacts to wildlife is undeveloped or unavailable, which is incorrect. Research is not needed to investigate whether noise impacts wildlife, but to identify quantitative thresholds of impact. The most extensive data regarding noise impacts comes from the road ecology literature. Additionally, three studies of noise from energy development (Bayne et al. 2008; Habib et al. 2007; Francis et al. 2009) that controlled for other disturbance factors have documented significant noise effects at the level of species demography and community diversity. The similarities of road and energy development noise spectra to wind turbine spectra offer a

Sections 3.10-Noise, and 3.11-Recreation have been updated to include that the Nellis Wilderness Wash is located approximately 2-miles from the nearest turbine.

Section 3.10.2.4-Ambient Sound in the Project Area Vicinity has been changed as requested.

Lines were removed as requested. Section 4.4.4-Wildlife has been updated with a discussion of potential noise impacts to wildlife using provided literature.

solid basis for generalizing the impacts observed in these studies to wind energy scenarios. In addition to this broad, comparative framework to evaluate wind turbine noise impacts, we have a specific study that documented substantial changes in ground squirrel antipredator behavior due to wind turbine noise (Rabin et al. 2006). In addition to these studies, we provide a summary of other literature below.

“The peer reviewed literature widely documents that sound plays a critical role in intra-species communication, courtship, predation and predator avoidance, and effective use of habitat. Additionally, similar studies have shown that wildlife can be adversely affected by sounds and sound characteristics that intrude on their habitats. While the severity of the impacts varies depending on the species being studied and other conditions, research strongly supports the fact that wildlife can suffer adverse behavioral and physiological changes from intrusive sounds (noise) and other human disturbances. Documented responses of wildlife to noise include increased heart rate, startle responses, flight, disruption of behavior, and separation of mothers and young (Selye 1956, Clough 1982, National Park Service 1994, US Department of Agriculture 1992, Anderssen et al. 1993).

When noise elevates ambient sound levels, signals that might otherwise have been detected and recognized are missed. The noise is said to mask these signals. Masking degrades an animal’s auditory awareness of its environment, and fundamentally alters interactions among predators and prey. There are many animal species that rely almost exclusively on sounds to locate their prey (e.g., gleaning bats). Masking also affects acoustical communication. Animals have been shown to alter their calling behavior and shift their vocalizations in response to noise (Brumm and Slabbekoorn 2005; Patricelli and Blickley 2006; Slabbekoorn and Ripmeester 2008; Warren *et al.* 2006). These shifts have been documented in a variety of signal types: begging calls of bird chicks (Leonard and Horn 2007), alarm signals in ground squirrels (Rabin et al. 2006), echolocation cries of bats (Gilman and McCracken 2007) and sexual communication signals in birds and anurans (Brumm and Slabbekoorn 2005, Patricelli and Blickley 2006, Warren et al. 2006, Slabbekoorn and Ripmeester 2007, Parris et al. 2009). Vocal adjustment likely comes at a cost to both energy balance and information transfer; however, no study has addressed receivers. Some species are unable to adjust the structure of their sounds to cope with noise even within the same group of organisms (Lengagne 2008).”

Anderssen, S.H., Nicolaisen, R.B., and Gabrielsen, G.W. 1993. Autonomic response to auditory stimulation. *Acta Paediatrica* 82:913-918.

Brumm, H. and Slabbekoorn, H. (2005) Acoustic communication in noise. *Adv. Stud. Behav.* 35, 151–209.

Clough, G. 1982. Environmental Effects on Animals Used in Biomedical Research. *Biological Reviews* 57:487-523.

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- Warren, P.S. et al. (2006) Urban bioacoustics: it's not just noise. *Anim. Behav.* 71, 491–502.
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Page 4-65, Lines 2-3. The document states, "*Figure 4.9-2 represents the view that recreational viewers who are boating/fishing on Lake Mohave would have looking east toward the Proposed Project.*" The sentence should state the view is to the west from Lake Mohave.

Text has been corrected under KOP 6 – View Across Lake Mohave.

Page 4-65, Lines 6-10. The documents states, "*The viewshed analysis demonstrates that the easternmost portion of the project area maybe visible from KOP 6 and portions of up to 50 proposed WTGs could be seen. A viewer might be able to discern the smooth white cylindrical base of the WTG against the brown and green medium-textured background. However, due to the distance, terrain, and atmospheric conditions, contrasts in texture would be weak. The WTGs would introduce moving, vertical, angular structures against the rugged mountains background resulting in a moderate contrast in form, line and color.*" We expect the impact will be greater than what is being described. The view of the landscape will be changed from a view dominated by natural features to a view dominated by the hand of man. With portions of up to 50 WTGs visible from the surface of Lake Mohave, the contrast will be much greater than "weak" and "moderate" in form, line and color. We suggest the analysis be revised to reflect a higher level of contrast.

Visual resources specialists in accordance with BLM Visual Resources Management methodology determined contrast ratings.

Page 4-75 Lines 1-7. The document states, "Recreational visitors from KOP 15, Cottonwood Cove Access Road, would have a high level of visibility to the Proposed Action (Figure 4.9-7). Viewers at this location would be approximately 0.3 miles west of the project area. Although some natural screening exists, approximately 7 WTGs would be in the foreground. The WTGs would contribute to the vertical lines in relation to the rugged terrain. Visual contrast in line, color, and form are anticipated moderate with the 96 WTG Layout Alternative." We contend the contrast is underestimated. With WTGs as close as 0.3 miles and over 400-feet tall, the WTGs are going to dominate the view from the primary access road to Lake Mead National Recreation Area. The area's natural features are going to be masked by the large and moving WTGs. We question that such a high level of contrast is consistent with BLM VRM Class III standards.

Page 4-77. Though anti-collision lighting is less likely to contribute to sky glow, the flashing nature of lights can impact the natural lightscape (the human perception of natural nighttime environment) as does a shiny reflection in the daytime. The dark-adapted human eye is more sensitive to flashing lights in peripheral vision than during the day. Additionally, nighttime obstruction lighting can, under certain circumstances, disorient migrating birds. (<http://www.sfbayjv.org/pdfs/night%20migrant%20fatalities%20at%20wind%20turbines.pdf>). We would appreciate the revision of this paragraph to acknowledge that red lights, while not contributing to skyglow, may impact nighttime viewshed via visual distraction and glare at close range.

Page 4-77, Lines 1-9. The document states, "Recreational viewers from KOP 17, Cottonwood Cove Access Road, would have a high level of visibility to Western's proposed switching station (simulation currently under development). Viewers at this location would be directly adjacent to the switching station, which represent a foreground view. The switching station would introduce another manmade structure into the foreground, although several structures, including a propane tank, parking area, overhead transmission lines, lights, and the park entrance station, already exist in the area. Because manmade structures exist in the area, including the NPS Fee Station, Cottonwood Cove Road, and various radio and cell towers, the switching station would cause a weak to moderate contrast in form, texture and color."

We strongly disagree with this statement and finding. The view of the switching station will be large measuring over 6 acres (described on page 2-31). "Facilities would include a control building, microwave tower, take-off structures and other steel support structures, buswork, and electrical and control equipment for switching, protection, metering, safety, and O&M purposes. The switching station would occupy approximately 3.5 acres, with an additional 2.5 acres outside the security fence required for site preparation, drainage, and road access. An 8-foot tall chain-link fence topped with razor wire would provide security for the switching station. Adequate space would be provided inside the fence to maneuver construction and maintenance vehicles. Additionally, the facility would be sized to accommodate additional bays for future interconnections". While it is not described in this section, some of the steel structures will extend 30 to 40 feet in height and the microwave tower is proposed to be 100 feet in height. This switching facility will dominate the view as one drives down the Cottonwood Cove Access Road. The document does not accurately describe the magnitude of this facility and should be revised to better describe the impact it will have on the park visitor using this road to access Lake

Visual resources specialists per BLM Visual Resources Management methodology determined contrast ratings.

Section 4.9 Visual Resources Impacts under Dark Skies has been revised per this suggestion.

Visual resources specialists per BLM Visual Resources Management guidance determined contrast ratings. A visual simulation for the proposed Western Switching Station has been included in the FEIS (Figure 4.9-8. KOP-17 – View from Cottonwood Cove Access Road at MP 4 Looking North). Text has been updated to state that for this KOP a moderate contrast rating, which is still consistent with a Class III Visual Resources Management Area.

Mead National Recreation Area. It is the position of the National Park Service that this facility is not compatible in close proximity to the existing entrance station and the entrance to Lake Mead National Recreation Area.

Page 4-77, Line 10. Red colored anti-collision lights are preferred. The intensity should fall between 1500 and 2500 candela. Flash duration length should be as short as allowed by FAA, and flash interval should be as long as allowed by FAA. We would appreciate if the document was revised to include upper and lower range of red beacon intensity and appropriate flash characteristics. Please include this in MM-VIS5.

Page 4-77, Line 17. Under the Mitigation section for visual impacts there is no discussion of the steps that will be taken to lighten the visual impact of the switching station. There were discussions during the ADEIS of replacing the proposed chain link fence with a concrete block wall and painting the wall to blend with the setting. The elevation of the switching station could be lowered some to reduce the height of the steel structures. None of these measures are presented in this chapter. We recommend the mitigation measures be outlined to reduce the impact of the switching station on the visual setting.

Page 4-79, Lines 19-20. The NPS notes and appreciates that the DEIS introduces and offers impact assessments in comparison to the 35 dBA nighttime limit proposed by Lake Mead National Recreation Area for park lands. The addition addresses previous ADEIS comments on appropriate management thresholds proposed by NPS to protect park visitors and overnight camping that could occur on LMNRA lands. Pedersen and Waye (2004) have shown that with wind turbine noise around 35 dBA, the percentage of highly annoyed persons increases above 5%, and the percentage of annoyed persons increases above 10% (Pedersen et al. 2009). Pedersen and Nielsen (1996) recommended a minimum distance to neighbors so that the wind turbine noise would be below 33–38 dB. The NPS has used the 35 dBA metric to identify substantial levels of exposure above natural ambient sound (ongoing Grand Canyon overflights analysis, Zion Soundscape Management Plan). Other example standards and guidelines that support this threshold include:

- a. Oregon Administrative Rules (OAR) 340-035-0035 Noise Control Regulations for Industry and Commerce - Wind turbine development cannot exceed an L50 of 36 dBA at an appropriate measurement point on a noise sensitive property (background ambient sound level is assumed to be 26 dBA in this case)
- b. Technical Guidelines on Noise Control (Technische Anleitung zum Schutz gegen Lärm - TA Lärm, Germany) - Emission limit (applied to wind turbines) in rural "reinen Wohngebieten" (residential-only) areas is 35 dBA from 10:00 PM to 6:00 AM
- c. New Zealand Standards (NZS) 6808:2010 Acoustics – Wind farm noise – This standard contains provisions for quiet (high amenity) locations, and recommends that the sound from a wind farm in such locations during the evening and night-time not exceed the background sound level by more than 5dB(A) or a level of 35dB(A) L90 (10min) whichever is the greater.

FAA would determine flash duration and intensity.

Section 4.9.4-Mitigation Measures lists mitigation measures that would be applicable to both the wind facility and the proposed switching station.

Comment noted.

- d. South Australia EPA Noise Guidelines for Wind Farms (July 2009) - The predicted equivalent noise level (LAeq, 10min), adjusted for tonality, should not exceed 35 dBA in 'rural living' zones (intended to have a relatively quiet amenity), or the background noise level by more than 5 dBA, whichever is greater.
- e. Buller från vindkraft—Riktvärden för ljud från vindkraft (Noise from Wind Turbines—Recommended Limits For Sound From Wind Turbines), Naturvårdsverket (Stockholm, 2009) Sweden - Wind turbine noise is limited to 35 dBA in quiet (low background) areas.
- f. Ekstern støj fra virksomheder(External Ind. Noise), Vejledning nr. 5 (Danish Environmental Protection Agency, 1984); Bekendtgørelse om støj fra vindmøller (Statutory Order on Noise from Wind Turbines), Bekendtgørelse nr. 1518 af 14. December 2006 (Danish Ministry of the Environment, 2006) - The evening/nighttime/weekend limit for industrial noise is 35 dBA in recreational areas. Wind turbine noise, specifically, is limited to 39 dBA (wind speed 8 m/s at 10m height) and 37 dBA (wind speed 6 m/s at 10m height) for noise sensitive areas, such as recreation.
- g. ETSU-R-97 report "The Assessment and Rating of Noise from Wind Farms" contains several relevant recommendations (United Kingdom) - Noise from wind farms should be limited to 5dB(A) above background for both day-time and night-time (with the exception of the lower limits and simplified method described below). In low noise environments the day-time level of the LA90, 10min of the wind farm noise should be limited to an absolute level within the range of 35-40 dB(A).

Pedersen, E. and K. P. Waye, "Perception and annoyance due to wind turbine noise—A dose-response relationship," J. Acoust. Soc. Am. 116(6), 3460–3470 (2004).
 Pedersen, E, F. van den Berg, R. Bakker, and J. Bouma, "Response to noise from modern wind farms in The Netherlands," J. Acoust. Soc. Am. 126(2), 634–643 (2009).
 Pedersen, T. H. and K. S. Nielsen, "Genevirkning af støj fra vindmøller," (Annoyance noise from wind turbines), Report 150, Delta Akustik & Vib., 1996.

Page 4-79, Line 39. For facility lighting, additional impact reductions can be made by avoiding bluish lighting and using warm white or amber lighting for general security and human vision needs. Facility lighting should be less than Kelvin color temperature (warm white or amber in color).

Page 4-79, Line 93. For large wind farms, OCAS or other aircraft-detection systems can improve safety and reduce light pollution impacts. NPS would appreciate if this was included as an alternative being investigated for mitigation.

Page 4-81, Lines 16-17. In this sentence it says "*should construction activities occur at night...*" It was our understanding from the mitigation measures that construction activities would only be

MM-VIS-5 in Section 4.9.4-Mitigation Measures has been updated to incorporate these suggestions, as appropriate.

The Federal Aviation Administration is assessing the suitability of Audio Visual Warning System applications to wind energy development. The BLM is unable to require mitigation treatments not yet approved by the air flight safety regulatory authority.

This statement has been removed from Section 4.10-Noise Impacts.

conducted during the daytime hours (please see comment #1 for concerns with current daytime hours). We would appreciate if this was clarified in the document.

Page 4-82, Line 8. If the statement "expected to result in a minimal rise in transportation noise levels" was intended to apply to the US-95 corridor only, NPS respectfully requests this statement be clarified to read "expected to result in a minimal rise in US-95 transportation noise levels" so the statement is not misinterpreted to apply to all side roads that might be used by construction personnel and deliveries.

Page 4-82, Lines 27-33. The document describes land use and landscape designations that might be sensitive to noise and noise impacts, such as recreation. However, it does not identify the Nellis Wash Wilderness. This wilderness is located well within the noise contours illustrated for the 87 WTG layout on Figure 4.10-2. We request the Nellis Wash Wilderness be identified as a noise sensitive receptor in this analysis.

Page 4-83, Lines 33-34. The distance between the proposed interconnect facility and the LMNRA boundary appears to be approximately 8,000 feet, less than the maximum distance which is claimed to create potential disturbances for residential receptors. NPS respectfully requests that the Final EIS disclose an estimated A-weighted sound level at the LMNRA boundary due to any low-frequency transformer hum that may result from the interconnect facility.

Page 4-83, Lines 44-45. The DEIS appropriately discloses the potential for power line corona noise near the Western's proposed switching station. It is understood that the amount of corona noise may vary considerably. If appropriate, NPS respectfully requests the Final EIS disclose an estimated corona noise level and increase in corona noise within the LMNRA due to the proposed Wind Turbine Generator alternatives. The estimates should be based, to the extent possible, on standard conditions expected for the Western Area Power Administration lines and a typical distance between power lines and the right-of-way edge within LMNRA.

Page 4-95, Lines 9-19. The impact of the 87 turbine layout is described on recreation in this paragraph. There is no mention of the Nellis Wash Wilderness. As a Federal land manager, we are charged with the protection the wilderness character of this Wilderness. This includes the characteristics of wilderness as defined in the Wilderness Act of 1964; "untrammeled; undeveloped, natural, outstanding opportunities for solitude or primitive unconfined recreation or unique attributes or other features that reflect the character of this wilderness". While the activity is occurring outside of wilderness and there are no physical impacts on the wilderness, but there may be impacts on the wilderness character. Natural sounds are integral to the wilderness character of an area, and decisions that compromise this character are in conflict with the Wilderness Act. The BLM has previously stated that no impacts are anticipated to the Nellis Wash Wilderness. Given the proximity of the turbines to the wilderness area, the NPS has concerns with the accuracy of this statement.

The NPS would appreciate if the BLM added a post-installation strategy that requires the applicant to be responsible for sound monitoring within LMNRA, as well as corrective action in the event that acceptable levels are exceeded. This monitoring effort would ensure that actual

Section 4.10-Noise Impacts has been clarified as requested.

Refer to Figure 4.10-1. Noise Contours for the 96 WTG Layout Alternative and Figure 4.10-2. Noise Contours for the 87 WTG Layout Alternative for the illustration of sound levels in the LMNRA. These figures have been updated to illustrate the Nellis Wilderness Wash. Refer to Section 4.10.1-Indicators and Methodology and Section 4.10.2-Direct and Indirect Effects by Alternative for a discussion of noise modeling methodology and noise impacts.

Discussion of corona noise added to Section 4.10-Noise Impacts.


Refer to Figure 4.10-1. Noise Contours for the 96 WTG Layout Alternative and Figure 4.10-2. Noise Contours for the 87 WTG Layout Alternative for the illustration of sound levels in the LMNRA. These figures have been updated to illustrate the Nellis Wilderness Wash. Refer to Section 4.10.1-Indicators and Methodology and Section 4.10.2-Direct and Indirect Effects by Alternative for a discussion of noise modeling methodology and noise impacts.

Comment noted. This will be considered in the development of the ROW grant.

noise levels are not exceeding the 35 dBA nighttime standard and are not causing impacts to park resources (including wildlife) and visitor experience. Since the monitoring would occur in LMNRA boundaries, we recommend use of NPS Acoustical Sampling and Analysis Guide," available at <http://science.nature.nps.gov/im/monitor/VitalSigns/BrowseProtocol.aspx>. If through monitoring the applicant determines that noise levels are higher than predicted or there are impacts to park resources, the applicant should be responsible for implementing further mitigation measures.

We appreciate the opportunity to share these comments and should you have questions or require addition information, please contact Park Planner, Jim Holland at (702) 293-8986.

Sincerely,


for William K. Dickinson
Superintendent



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Nevada Fish and Wildlife Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130

Ph: (702) 515-5230 ~ Fax: (702) 515-5231



April 16, 2012

File Nos. 84320-2010-CPA-0019
84320-2011-TA-0152

Memorandum

To: Field Manager, Las Vegas Field Office, Bureau of Land Management,
Las Vegas, Nevada

From: State Supervisor, Nevada Fish and Wildlife Office, Reno, Nevada

Subject: Comments on Searchlight Wind Energy Draft Environmental Impact Statement

Thank you for the opportunity to comment on the draft environmental impact statement (DEIS) for the construction, operation and maintenance, and decommissioning of a wind energy facility and associated infrastructure in Clark County, Nevada. We prepared this letter under the authority of and in accordance with provisions of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 4347), Migratory Bird Treaty Act of 1918 (MBTA), as amended (16 U.S.C. 703 *et seq.*), the Endangered Species Act of 1973 [16 U.S.C. 1531 *et seq.*; 87 Stat. 884], as amended (Act), and other authorities mandating the Fish and Wildlife Service's (Service) concern for environmental values.

We understand the Bureau of Land Management (BLM) proposes to grant a right-of-way (ROW) on public land to Searchlight Wind Energy, LLC, a wholly-owned subsidiary of Duke Energy, to develop a 200-megawatt wind energy generation project. In addition, BLM proposes to grant a ROW to Western Area Power Administration (Western) to construct, operate, and maintain a new switching station to interconnect the Searchlight Wind Energy Project with Western's Davis-Mead 230-kilovolt transmission line.

BLM's preferred project alternative is comprised of 87 wind turbine generators, new and upgraded project roads and crane pads, an operations and maintenance facility, equipment storage and construction laydown areas, an overhead transmission line, substations, a batch plant, and meteorological towers. Total surface disturbance is approximately 230 acres located within an area that is approximately 29 square miles, 60 miles southeast of Las Vegas, Nevada, and 40 miles north of Laughlin, Nevada.

We are concerned this project may adversely affect the Mojave desert tortoise (*Gopherus agassizii*) (tortoise), a species listed as threatened under the Act. The direct and interrelated impacts resulting from the BLM-preferred alternative to the tortoise are described in the DEIS and include disturbance of approximately 230 acres of tortoise habitat: 152 acres of permanently removed habitat, and 78 acres of temporary disturbance; death and injury to tortoises from various construction, trenching, and ground-disturbing activities; disturbance of normal tortoise activity patterns from construction noise and vibration; and risk of predation from a potential increase in numbers of common ravens and other raptors attracted to the area. The DEIS outlines applicant-committed mitigation measures to minimize these effects. However, we are concerned that indirect effects due to fragmentation and degradation of desert habitat are potentially large since the project occurs within an area of 29 square miles and are not adequately addressed in the DEIS. The potentially long-term effects resulting from the degradation and fragmentation of habitat may contribute to the loss of individuals from local breeding populations; create movement barriers; negatively affect the connectivity of wildlife populations; and increase the spread and presence of weeds thereby altering or increasing fire regime cycles. In order to strengthen the EIS analysis, we recommend a more in-depth discussion of these indirect and potentially long-term effects the project would have on tortoises.

We are concerned about the effects of the project to avian and bat species, including golden eagles (*Aquila chrysaetos*), a species protected by the MBTA and Bald and Golden Eagle Protection Act. Many of the direct effects to birds and bats are similar to those of the desert tortoise and are described in the DEIS and include the removal of avian nesting habitat; the risk of injury and death to birds and bats, as well as the destruction of avian nests resulting from ground-disturbing activities. Many of the bird species detected during surveys use the habitat in the project area for nesting, and roosting bat habitat is located in and around the area. Although no golden eagle nests occur within the project area, several nests are present in adjacent areas. The habitat within the project area may be used by foraging or migrating golden eagles as well as other avian and bat species. Knowledge about the potential for bird and bat mortalities resulting from collisions with wind turbine generators is well established in the literature. The DEIS stated the project may attract additional ravens and raptors to the area, which increases the potential mortality risk to these species from the wind turbine generators. We are concerned about the mortality and injury risk from wind turbine generators to all birds and bats. Therefore, we strongly encourage BLM to develop a robust bird and bat conservation strategy that outlines monitoring and minimization measures to offset project effects and provide options should initial mitigation measures prove ineffective.

We are concerned about the number of new and upgraded roads needed for the project. The increased number of roads would increase fragmentation and degradation of habitat, provide opportunities for higher levels of use in the area by recreationists, increase dust produced by traffic, and provide an increase risk of vehicular collisions with wildlife using the area. In addition, we are concerned with the widening of roads through mature Joshua tree forest. Estimates from literature age mature Joshua trees (*Yucca brevifolia*) to be between 800 and 1,000 years old. We recommend incorporating into the project's travel management plan a requirement for workers to carpool to reduce the number of vehicles utilizing project roads. This will help minimize impacts to air quality

Section 4.4.5.2 Desert Tortoise – Direct and Indirect Impacts by Alternatives has been updated to include a more in-depth discussion of indirect and potentially long-term effects on tortoises.

Refer to Section 5.2.3-Coordination on the BBCS and Appendix B-4: Bird and Bat Conservation Strategy (formerly referred to as the Avian and Bat Protection Plan [ABPP]), which have been added to the EIS.

Comment noted.

by reducing dust produced by traffic; and wildlife, including the tortoise and bird and bat species using the project area by minimizing the risk of death and injury from collisions with vehicles. We also recommend that BLM minimize the number of new and upgraded roads for this project and BLM only support the use of access routes that avoid the mature Joshua tree forest.

We are concerned about the effects from evaporation ponds and soil surface binding products to wildlife, including the tortoise, birds, and bats. Although the DEIS mentions evaporation ponds, there is no description of the number, location, or size in the DEIS. Also, the DEIS includes a measure to use a product to bind soil particles to prevent dust, but no analysis of their effects to wildlife was made. Therefore, we recommend BLM disclose possible impacts to wildlife from evaporation ponds and application of a soil binding product and include mitigation measures to avoid or offset any impacts to wildlife in the EIS.

We encourage BLM and the project applicant develop robust monitoring and mitigation plans within an adaptive management framework to assess long-term project impacts on all wildlife species, especially the desert tortoise, birds, and bats. Monitoring methods should be developed to evaluate the effectiveness of mitigation measures to minimize impacts to birds and bats. Thresholds and triggers to adapt ineffective measures should be proposed and implemented during the construction and operation of the project. These plans should include effective monitoring strategies to evaluate the effectiveness of minimization measures; determine if tortoise, avian, and bat mortalities are within levels expected based on pre-construction surveys; and assess impacts of the project on all aspects of desert tortoise biology, including breeding and wintering behavior and movement patterns.

In summary, we recommend BLM provide a more thorough analysis of effects, including long-term and indirect effects, of the project to wildlife species, especially to tortoises, birds, and bats in the EIS. The analysis should disclose project impacts to species and include measures to avoid, minimize or mitigate impacts in an adaptive management framework. Furthermore, we recommend that BLM consider environmental impacts of each alternative and select the alternative least damaging to fish and wildlife resources as the preferred alternative in the EIS. Although we do agree with BLM's selection of the preferred alternative as it is the option with the least impacts to resources, we ask that BLM address our concerns as stated above.

We appreciate the opportunity to comment on the DEIS for the Searchlight Wind Energy Project in Clark County, Nevada. If you have any questions regarding our comments, please contact Susan Cooper in the Nevada Fish and Wildlife Office in Las Vegas at (702) 515-5230


For Edward D. Koch

Section 4.4.4.2- Direct and Indirect Impacts by Alternative has been updated to disclose potential impacts of the artificial ponds on general wildlife. No soil surface binding products would be utilized per BLM policy. The number of ponds required has not been determined; however, ponds would be within the temporary staging and laydown areas. Searchlight Wind LLC will obtain all required permits for artificial ponds from NDOW and NDEP, as applicable.

Refer to Section 5.2.3-Coordination on the BBCS, Appendix B-4: Bird and Bat Conservation Strategy (formerly referred to as the Avian and Bat Protection Plan [ABPP]), and Appendix B-3: Terrestrial Wildlife Plan, which have been added to the EIS

Section 4.4.5.2 Desert Tortoise – Direct and Indirect Impacts by Alternatives, Section 4.4.5.8-Bats - Direct and Indirect Effects by Alternative, 4.4.5.11-Migratory Birds - Direct and Indirect Effects by Alternative, and Appendix B-4: Bird and Bat Conservation Strategy have been updated to address these concerns.

BLM has chosen the 87-WTG Alternative based as the alternative with the least impacts.

State Agency

Skip Canfield

From: Alex Lanza
Sent: Tuesday, January 31, 2012 2:58 PM
To: Skip Canfield
Cc: Cliff Lawson
Subject: RE: Nevada State Clearinghouse Notice E2012-117 - Proposed Wind Energy Project near Searchlight

Good afternoon Skip,

The Nevada Division of Environmental Protection (NDEP) - Bureau of Water Pollution Control (BWPC) - does not have any comments regarding Notice for SA#: **E2012-117 - Proposed Wind Energy Project near Searchlight, Nevada.**

Please note that **Western Area Power Administration**, who manages this **Wind Energy Project**, may be subject to BWPC permitting for some of its discharges from the buildings associated with the energy production – domestic sewage for example.

Thank you for the information and the opportunity to comment.

If you have any questions, please contact me at (775) 687-9468.

Respectfully,

Alexi Lanza

Alexi Lanza, P.E.
Permits Branch - Bureau of Water Pollution Control
Nevada Division of Environmental Protection
901 S. Stewart St., Ste 4001
Carson City NV 89701

Phone: 775.687.9468 - Fax: 775.687.4684
www.ndep.nv.gov

Please visit BWPC's main website: <http://ndep.nv.gov/bwpc/index.htm>

Please join our electronic mailing lists: <http://ndep.nv.gov/bwpc/email.htm>

From: scanfield@lands.nv.gov [mailto:scanfield@lands.nv.gov]
Sent: Monday, January 30, 2012 10:28 AM
To: Alan Coyner; Alan Jenne; Allsanne Maffei; Nevada State Clearinghouse; clytle@lincolnnv.com; cstevenson@ndow.org; Brad Hardenbrook; Doug Driesner; David Catalano; ddavis@unr.edu; dmouat@dri.edu; Edward Foster; ed.rybold@navy.mil; gderks@dps.state.nv.us; James Morefield; Jason Woodruff; Jennifer Newmark; Jennifer Scanland; muntean@unr.edu; jprice@unr.edu; kirk.bausman@us.army.mil; cohnk@nv.doe.gov; Lowell Price; Mark Freese; Mark Harris; Mike Dondero; deborah.macneill@nellis.af.mil; escomm2@citlink.net; Octavious.Hill@nellis.af.mil; Pete Anderson; Pete Konesky; Rebecca Palmer; Rich Harvey; Robert K. Martinez; Sandy Quilici; Sherry Rupert; Skip Canfield; Steven Siegel; tcompton@dot.state.nv.us; Terry Rubald; Richard Ewell; tmusler@dot.state.nv.us; Tod.oppenborn@nellis.af.mil; William.C.adwallader@nellis.af.mil; zip.upham@navy.mil; Joe Strollin; Tim Rubald; Alex Lanza; Dave Marlow; Kevin J. Hill; djohnston@dps.state.nv.us; John Walker; Karen Beckley; Russ Land
Cc: Searchlight_Wind_Energy_EIS@blm.gov
Subject: Nevada State Clearinghouse Notice E2012-117



NEVADA STATE CLEARINGHOUSE

Department of Conservation and Natural Resources, Division of State Lands
901 S. Stewart St., Ste. 3003, Carson City, Nevada 89701-5246
(775) 684-2723 Fax (775) 684-2721

TRANSMISSION DATE: 01/30/2012

U.S. Bureau of Land Management

Nevada State Clearinghouse Notice E2012-117

Project: Proposed Wind Energy Project near Searchlight

Follow the link below to find information concerning the above-mentioned project for your review and comment.

E2012-117 - http://www.blm.gov/nv/st/en/info/newsroom/2012/january/southern_nevada_blm.html

- Please evaluate this project's effects on your agency's plans and programs and any other issues

that you are aware of that might be pertinent to applicable laws and regulations.

- Please reply directly from this e-mail and attach your comments.
- Please submit your comments no later than Tuesday March 13th, 2012.

[Clearinghouse project archive](#)

Questions? Skip Canfield, Program Manager, (775) 684-2723 or clearinghouse@state.nv.us

___ No comment on this project ___ Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

Requested By:
Searchlight_Wind_Energy_EIS

Distribution:
- Division of Emergency Management
Alan Coyner - Commission on Minerals
Alan Jenne - Department of Wildlife, Elko
Alex Lanza -
Alisanne Maffei - Department of Administration
Clearinghouse - zzClearinghouse
Cory Lytle - Lincoln County
Craig Stevenson - Department of Wildlife, Las Vegas
D. Bradford Hardenbrook - Department of Wildlife, Las Vegas
D. Driesner - Commission on Minerals
Dave Marlow -
David Catalano - Department of Wildlife, Fallon
David David - UNR Bureau of Mines
David Mouat - Desert Research Institute
Denesa Johnston - Fire Marshal

Ed Foster - Department of Agriculture
 Ed Rybold - NAS Fallon
 Gary Derks - Division of Emergency Management
 James D. Morefield - Natural Heritage Program
 Jason Woodruff - Public Utilities Commission
 Jennifer Newmark -
 Jennifer Scanland - Division of State Parks
 John Muntean - UNR Bureau of Mines
 John Walker - Nevada Division of Environmental Protection
 Jon Price - UNR Bureau of Mines
 Joseph C. Strolin - Agency for Nuclear Projects
 Karen Beckley - State Health Division
 Kevin Hill -
 Kirk Bausman - Hawthorne Army Depot
 Linda Cohn - National Nuclear Security Administration
 Lowell Price - Commission on Minerals
 Mark Freese - Department of Wildlife
 Mark Harris, PE - Public Utilities Commission
 Mike Dondero - Division of Forestry
 Ms. Deborah MacNeill - Nellis Air Force Base
 Nancy Boland - Esmeralda County
 Octavious Q. Hill - Nellis Air Force Base
 Pete Anderson - Division of Forestry
 Pete Konesky - State Energy Office
 Rebecca Palmer - State Historic Preservation Office
 Rich Harvey - Division of Forestry
 Robert Martinez - Division of Water Resources
 Russ Land - Nevada Division of Environmental Protection
 Sandy Quilici - Department of Conservation & Natural Resources
 Sherry Rupert - Indian Commission
 Skip Canfield, AICP - Division of State Lands
 Steve Siegel - Department of Wildlife, Director's Office
 Terri Compton - Department of Transportation
 Terry Rubald - Nevada Department of Taxation, Local Government, Centrally Assessed Property
 Tim Rubald - Conservation Districts
 Timothy Mueller - Department of Transportation
 Tod Oppenborn - Nellis Air Force Base
 William Cadwallader - Nellis Air Force Base
 Zip Upham - NAS Fallon

Skip Canfield

From: Rebecca Palmer
Sent: Tuesday, March 06, 2012 1:50 PM
To: Skip Canfield
Subject: RE: Nevada State Clearinghouse Notice E2012-117

The SHPO supports this document as written and does not recommend any changes. Thanks.

Comment noted.

Rebecca Lynn Palmer
Deputy Historic Preservation Officer
901 South Stewart Street, Suite 5004
Carson City, NV 89701
Phone (775) 684-3443
Fax (775) 684-3442

Please note, my email is rlpalmer@shpo.nv.gov

From: scanfield@lands.nv.gov [mailto:scanfield@lands.nv.gov]
Sent: Monday, January 30, 2012 10:28 AM
To: Alan Coyner; Alan Jenne; Alisanne Maffei; Nevada State Clearinghouse; clytle@lincoln.nv.com; cstevenson@ndow.org; Brad Hardenbrook; Doug Driesner; David Catalano; ddavis@unr.edu; dmouat@dri.edu; Edward Foster; ed.rybold@navy.mil; gderks@dps.state.nv.us; James Morefield; Jason Woodruff; Jennifer Newmark; Jennifer Scanland; muntearj@unr.edu; jprice@unr.edu; kirk.bausman@us.army.mil; cohn1@nv.doe.gov; Lowell Price; Mark Freese; Mark Harris; Mike Dondero; deborah.macneill@nellis.af.mil; escomm2@citlink.net; Octavius.Hill@nellis.af.mil; Pete Anderson; Pete Konesky; Rebecca Palmer; Rich Harvey; Robert K. Martinez; Sandy Quilici; Sherry Rupert; Skip Canfield; Steven Siegel; tcompton@dot.state.nv.us; Terry Rubald; Richard Ewell; trmueller@dot.state.nv.us; Tod.oppenborn@nellis.af.mil; William.C.adwallader@nellis.af.mil; zip.upham@navy.mil; Joe Strolin; Tim Rubald; Alex Lanza; Dave Marlow; Kevin J. Hill; djohnston@dps.state.nv.us; John Walker; Karen Beckley; Russ Land
Cc: Searchlight_Wind_Energy_EIS@blm.gov
Subject: Nevada State Clearinghouse Notice E2012-117



NEVADA STATE CLEARINGHOUSE
Department of Conservation and Natural Resources, Division of State Lands
901 S. Stewart St., Ste. 5003, Carson City, Nevada 89701-5246
(775) 684-2723 Fax (775) 684-2721

TRANSMISSION DATE: 01/30/2012

U.S. Bureau of Land Management

Nevada State Clearinghouse Notice E2012-117

Project: Proposed Wind Energy Project near Searchlight

Follow the link below to find information concerning the above-mentioned project for your review and comment.

E2012-117 - http://www.blm.gov/nv/st/en/info/newsroom/2012/january/southern_nevada_blm.html

- Please evaluate this project's effects on your agency's plans and programs and any other issues that you are aware of that might be pertinent to applicable laws and regulations.
- Please reply directly from this e-mail and attach your comments.
- Please submit your comments no later than Tuesday March 13th, 2012.

[Clearinghouse project archive](#)

Questions? Skip Canfield, Program Manager, (775) 684-2723 or clearinghouse@state.nv.us

____ No comment on this project ____ Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

Requested By:
Searchlight_Wind_Energy_EIS

Distribution:
 - Division of Emergency Management
 Alan Coyner - Commission on Minerals
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 Allsanne Maffei - Department of Administration
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David David - UNR Bureau of Mines
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 Ed Rybold - NAS Fallon
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 Jennifer Scanland - Division of State Parks
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 Timothy Mueller - Department of Transportation
 Tod Oppenborn - Nellis Air Force Base
 William Cadwallader - Nellis Air Force Base
 Zip Upham - NAS Fallon

From: Skip Canfield [mailto:scanfield@lands.nv.gov]
Sent: Wednesday, March 14, 2012 9:13 AM
To: Patton, Hillier C; BLM_NV_SNDO_SearchlightWindEnergyEIS
Cc: scanfield@lands.nv.gov
Subject: State Agency Comments - E2012-117 - Draft EIS for the Searchlight Wind Energy, LLC proposal

The Nevada State Clearinghouse provides the attached comments and the comments below regarding the Draft EIS for the Searchlight Wind Energy, LLC proposal.

Skip Canfield
Nevada State Clearinghouse
State Land Use Planning Agency

Nevada Division of State Lands
Department of Conservation and Natural Resources
901 South Stewart Street, Suite 5003
Carson City, NV 89701
775-684-2723
<http://clearinghouse.nv.gov>
www.lands.nv.gov

The Nevada Division of State Lands and the State Land Use Planning Agency offer the following comments:

Multiple use activities on Nevada's public lands are supported and encouraged. There are continuing concerns about the cumulative visual impacts to public lands users' experiences

from certain activities (temporary and permanent). Some notable activities include proliferation of new roads, poorly-sited and designed structures, lack of co-location of infrastructure and improper lighting, to name a few.

Cumulative visual impacts to public lands users' experiences should be considered.

The following language is suggested that should be provided up front to applicants who propose development on public lands that includes lighting:

Utilize appropriate lighting:

- Utilize consistent lighting mitigation measures that follow "Dark Sky" lighting practices.
- Effective lighting should have screens that do not allow the bulb to shine up or out. All proposed lighting shall be located to avoid light pollution onto any adjacent lands as viewed from a distance. All lighting fixtures shall be hooded and shielded, face downward, located within soffits and directed on to the pertinent site only, and away from adjacent parcels or areas.
- A lighting plan should be submitted indicating the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan.
- Any required FAA lighting is exempt from this condition, but should be consolidated and minimized wherever possible.

In addition, the following mitigation measures should be employed.

Utilize building materials, colors and site placement that are compatible with the natural environment:

- Utilize consistent mitigation measures that address logical placement of improvements and use of appropriate screening and structure colors. Existing utility corridors, roads and areas of disturbed land should be utilized wherever possible. Proliferation of new roads should be avoided.
- For example, the use of compatible paint colors on structures reduces the visual impacts of the built environment. Using screening, careful site placement, and cognitive use of earth-tone colors/materials that match the environment improve the user experience for others who might have different values than what is fostered by built environment activities.
- Federal agencies should require these mitigation measures as conditions of approval for all permanent and temporary applications.

Skip Canfield
State Land Use Planning Agency

MM-VIS-5 in Section 4.9.4-Mitigation Measures has been updated to incorporate these suggestions, as appropriate.



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
1263 S. Stewart Street
Carson City, Nevada 89712

April 10, 2012

SUSAN MARTINOVIĆ, P.E., Director

In Reply Refer to:

MS. STEPHANIE LOCKE, ASST. PROJECT MGR.
NEWFIELDS
ENVIRONMENTAL PLANNING & COMPLIANCE
8250 W. CHARLESTON BLVD., SUITE 100
LAS VEGAS, NV 89117

SEARCHLIGHT WIND ENERGY
DRAFT ENVIRONMENTAL
IMPACT STATEMENT ON USB
FLASH DRIVE

Dear Ms. Locke:

Thank you for the opportunity to review the Searchlight Wind Energy Draft Environmental Impact Statement. Currently, the project does not appear to directly involve the use of any NDOT right-of-way along US 95 and as such we see no impacts to the Nevada Department of Transportation (NDOT).

If the project will require the use of any NDOT right-of-way for either temporary construction activities or new or modified permanent easements for items such as transmission lines or utility lines, an encroachment permit will be required. Contact the NDOT District I office in Las Vegas (702-385-6500) to apply for this permit. No use of NDOT right-of-way is authorized until an encroachment permit has been processed and approved.

Additionally, as needed, appropriate Oversize/Overweight Permits should also be obtained.

Please inform NDOT if there are any changes to the project which would further involve our Department.

Sincerely,

Steve M. Cooke, P.E., Chief
Environmental Services Division

SMC/DRN/tkb

Information on Nevada Department of Transportation
Overdimensional Vehicle Permit was added to Table 1.6-2.
Potential Federal, State, and Local Permits for the Proposed Project.



BRIAN SANDOVAL
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1595

KENNETH E. MAYER
Director

RICHARD L. HASKINS, II
Deputy Director

PATRICK O. CATES
Deputy Director

SOUTHERN REGION OFFICE
4747 Vegas Drive
Las Vegas, Nevada 89108
(702) 486-5127 • Fax (702) 486-5133

April 18, 2012

NDOW-SR#: 12-119
SAI#: E2012-117

Mr. Greg Helseth, RECO Manager
BLM – Southern Nevada District Office
4701 North Torrey Pines Drive
Las Vegas, Nevada 89130

Re: Draft EIS for the Searchlight Wind Energy Project (NVN-084626 and NVN-086777 DES 11-52),
Bureau of Land Management, Las Vegas Field Office, January 2012

Dear Mr. Helseth:

The Nevada Department of Wildlife (Department) has appreciated the positive and productive planning experience by participating as a cooperating agency since initial announcement of the project many years ago. Overall the Draft EIS reflects incorporation of most of the Department's project recommendations and considerations. Based on the analyses in the Draft EIS, the Department would be supportive of the BLM's Preferred Action for a project design of 87 wind turbine generators as described in section 2.1.2.3 *BLM Preferred Alternative – 87 WTG Layout Alternative* beginning at the bottom of page 2-4. However, we believe there is room for additional refinements to the present document. For example, in performing review of the Draft EIS, the Department found that early inclusion of the various terrestrial wildlife reports as appendices instead of having to make additional requests, per BLM instruction, would have gone far in providing a more time efficient review. Other observations and comments to the Draft EIS include but are not limited to the following.

Page 3-25, Reptiles

The chuckwalla (*Sauromalus ater*), should be added to the list. Use of more specific nomenclature for the shovel-nosed snake would be appreciated, i.e. Mojave shovel-nosed snake (*Chionactis occipitalis occipitalis*).

Page 3-25, Special-Status Wildlife Species

In addition to Nevada Revised Statutes, please note the Nevada Administrative Codes (NAC) identifying state protected, sensitive, threatened and endangered species, i.e. NAC's 503.030 - 503.080.

Page 3-27, Gila Monster

The Gila monster also regularly frequents desert wash habitats.

Page 3-28, Bats and Table 3.4-3

The western pipitrelle is now referred to as the canyon bat (*Parastrellus hesperus*).

Chuckwalla was added to the list. Species name for shovel snake corrected.

Section 3.4.4-Special-Status Wildlife Species updated as suggested.

Section 3.4.4-Special-Status Wildlife Species updated as suggested.

Table 3.4-3 has been corrected.

Page 3-28, Table 3.4-3

Macrotus californicus (California leaf-nosed bat) is a State Sensitive Species
Myotis ciliolabrum (Western small-footed myotis) is a BLM Sensitive Species
Myotis yumanensis (Yuma myotis) is a BLM Sensitive Species

Page 3-30, Table 3.4-4 Non-Raptor Birds

All of the birds in the table are State Protected (consistent with the Migratory Bird Treaty Act, as amended; 16 U.S.C. §§ 703 et seq., and listed in 50 C.F.R. § 10.13- See NAC 503.050) some of which are further classified as sensitive as is noted by superscript (b). Exceptions are for the: Gambel's quail - classified as a Game Bird (NAC 503.045) and noted by superscript (d). European starling is classified as Unprotected as per NAC 503.055. And the Sage thrasher, Brewer's sparrow, and Bendire's thrasher are BLM Sensitive Species (superscript (a)).

Wildlife Water Developments

No specific descriptive references to wildlife water developments in the project area or discussion of the potential effects of the project to them were readily found in the Draft EIS. There are three units of the Searchlight Series (Searchlight # 3, #4, and #5) of small water developments located within the project area. The three units are in good working order and used by wildlife, especially Gambel's quail. Contextual analyses addressing the conservation and recreational values (hunting and wildlife viewing) of the water developments are requested. For example, will access be modified to the benefit or detriment of the wildlife and wildlife enthusiasts consequential to construction and operation of the wind generation facility? Would there be land use restrictions imposed affecting traditional/historical use of the area and what public affairs efforts would be advisable? Lastly, the Department has responsibility for monitoring and maintaining these wildlife water developments. Should construction and operations impact the water developments directly (and the wildlife dependent on them), what measures would be adopted as mitigation? Should the water developments and the proposed project be deemed mutually exclusive, then the Department would request compensation. For example, in the event a decision to relocate or remove the water developments is tendered, then compensation to reimburse the Department for all aspects in implementing those actions is expected to be the responsibility of the project proponent, inclusive of any administrative clearances (NEPA, Cultural) required by BLM.

The Department looks to the success of the proposed project inclusive of implementing appropriate and reasonable considerations for wildlife and wildlife-related activities. To that end, additional, timely discussion among the Department, BLM, and project proponent is requested prior development of the Final EIS and Record of Decision for clarifying and/or resolving these and related outstanding items. Please do not hesitate contacting me at your earliest convenience.

Sincerely,



D. Bradford Hardenbrook
Supervisory Biologist
Southern Region, Nevada Department of Wildlife
4747 Vegas Drive, Las Vegas, Nevada 89108
702.486.5127 x3600; 702.486.5133 FAX
bhardenbrook@ndow.org

cc: NDOW, Files
Nevada State Clearinghouse

Table 3.4-3 has been corrected.

Table 3.4-4 has been corrected.

Refer to Section 3.4.4.2-Existing Environment under Upland Game, which has been amended to state that NDOW maintains such water sources. It is not anticipated that the proposed project would affect these sources.

Access to the project area is discussed in Section 4.7.2.2-Proposed Action – 96 WTG Layout Alternative. Impacts to wildlife as a result of increased traffic are discussed throughout Section 4.4-Biological Resources Impacts.

No effects to wildlife water developments are anticipated. However, Section 4.4.5.15-Mitigation Measures was updated to include a mitigation measure (MM-BIO-8) should the proposed project have an effect on a water development.

Local Agency



LAS VEGAS VALLEY
WATER DISTRICT

1001 South Valley View Boulevard
Las Vegas, NV 89153
(702) 870-2011 • lvvwd.com

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DISTRICT OFFICE

NOTED 24 MAR 12

March 19, 2012

Gregory Helseth
Renewable Energy Project Manager
Bureau of Land Management
Las Vegas Field Office
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

Dear Mr. Helseth:

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THE SEARCHLIGHT WIND ENERGY PROJECT (NVN-084626)

The Las Vegas Valley Water District (LVVWD) appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Searchlight Wind Energy Project (NVN-084626). LVVWD is responsible for providing water service in metropolitan Las Vegas and areas of unincorporated Clark County. LVVWD owns, operates, and maintains the Searchlight Water System, which is governed by the LVVWD Board of Directors. The board has sole responsibility for establishing rates, rules, and regulations for the sale, distribution, and use of water within Searchlight.

Comments noted.

The Searchlight Wind Energy Project DEIS states that approximately 30 acre-feet of water would be required during the 8- to 12-month construction phase of the project for activities including road maintenance, dust suppression, worker use, and concrete batch plant operations. The potential water sources identified include the existing Searchlight Water System or another existing water right (private source) in the Searchlight area. The DEIS also states that approximately 0.15 acre-feet per year from the Searchlight Water System would be required during the operation and maintenance phase of the project. This water would be used as drinking water and for restroom facilities to support the full-time staff.

The existing Searchlight Water System consists of a groundwater production well, S-2, and an emergency backup well, S-1, with limited resource and pumping capacity. Additionally, the place of use for water from these wells, as identified by the Nevada State Engineer, is limited to the town of Searchlight. Although LVVWD is in process of improving the existing Searchlight Water System, we cannot guarantee the availability of water to support this project. Therefore, we encourage communication regarding this project and are willing to assist the proponent in addressing their water supply issues.

Should you have any questions, please feel free to contact Mao Fang at 702-258-7106 or mao.fang@lvvwd.com.

Sincerely,

Laura B. Jacobsen
Planning Manager, LVVWD Engineering

LBJ:DB:dl

c: Mao Fang, Senior Civil Engineer, LVVWD



CLARK COUNTY • DEPARTMENT OF AIR QUALITY
4701 W. Russell Road 2nd floor • Las Vegas, NV 89118-2231
(702) 455-5942 • Fax (702) 383-9994
Lewis Wallenmeyer Director • Tina Gingras Assistant Director

April 17, 2012

Gregory Helseth
Renewable Energy Project Manager
Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

E-mail: ghelseth@blm.gov

Re: Draft Environmental Impact Statement for the Searchlight Wind Energy Project

Dear Mr. Helseth:

The Clark County Department of Air Quality has reviewed the draft environmental impact statement (DEIS) for the Searchlight Wind Energy, LLC (SWE) construction project and determined there will be short- and long-term impacts on air quality from emissions associated with project construction, operation, maintenance, and decommissioning.

SWE has applied to the Bureau of Land Management (BLM) for a right-of-way (ROW) grant on public lands to develop a 200-megawatt wind energy facility. The application encompasses approximately 18,800 acres of BLM-administered public lands near Searchlight, 60 miles southeast of Las Vegas. The project spans Hydrographic Areas 167, 214, and 231, all of which EPA has designated as nonattainment areas for ozone. The DEIS analyzes three alternatives: an 87-turbine layout, a 96-turbine alternative, and a no-action alternative. The BLM prefers the 87-turbine option, which has a smaller footprint than the 96-turbine one. Air Quality also supports this option.

The proposed wind turbines would be up to 262 feet high from ground to hub, with blades extending up to another 153 feet; total turbine height could reach as high as 415 feet. In addition to the turbines, the project would include construction of new access roads, two electrical substations, an overhead transmission line, an electrical interconnection facility/switchyard, an operations and maintenance building, and laydown areas.

Air emissions associated with the proposed project would be primarily short-term (8–12 months). In the construction stage, these would chiefly consist of fugitive dust from disturbed land and engine exhaust from construction equipment. Less significant contributions would be generated by worker commutes and delivery of materials and equipment to the construction site. Operation/ maintenance emissions would be produced by the building's heating and cooling system and by the vehicles for an estimated 15 workers commuting daily to the site. However, there would be no air quality impacts from power generation because electricity generated by wind involves no combustion of fossil fuels.

BOARD OF COUNTY COMMISSIONERS
Susan Brager, Chair Steve Sisolak, Vice-Chairman
Larry Brown Tom Collins Chris Olunchigiani
Mary Beth Scow Lawrence Weekly
Don Burnette, County Manager

Gregory Helseth
April 17, 2012
Page 2 of 2

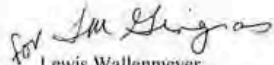
The proposed project has a 30-year life expectancy. Air Quality anticipates that its decommissioning phase would produce a similar amount of emissions, and have a similar impact on air quality, as its construction phase.

As part of its DEIS review, Air Quality offers the following comments:

- All applicants must comply with the appropriate Air Quality Regulations (AQRs). Section 94 applies to all construction activities that disturb or have the potential to disturb soils, and that emit or have the potential to emit particulate matter into the atmosphere, on both public and private lands. In addition, it contains requirements to obtain a dust control permit, develop a dust mitigation plan, and use Best Available Control Measures. These measures are described in the "Construction Activities Dust Control Handbook," available at http://www.clarkcountynv.gov/Depts/dagcm/Documents/DustControl/DustForms/DUST_CONTROL_HANDBOOK.pdf.)
- The applicant must apply for an air quality permit for any emission units or stationary sources (e.g., concrete plants, rock crushers, boilers, emergency generators) on the project capable of emitting regulated pollutants, in accordance with Section 12 of the AQRs (including all subtitles).

Thank you for the opportunity to review and comment on this DEIS. If you have any further questions, please contact Robert Tekniepe at (702) 455-4063.

Sincerely,


Lewis Wallenmeyer
Director

Refer to Section 4.6- Air Quality Impacts and Table 1.6-2. Potential Federal, State, and Local Permits for the Proposed Project.

Table 2.6-1. APMs (common to action alternatives) under APM-3 Air Quality/Dust Control has been revised to include this requirement.

Tribal Governments

Pahrump Paiute Tribe
Post Office Box 951
Pahrump, Nevada, 89041
pahrumppaiutetribe@yahoo.com

2012 JAN -9 AM 8:21

Stephanie Locke, Assistant Project Manager, 1-702-952-2072
Gregory Helseth, 1-702-515-5176
blm_nv_sudo_searchlightwindenergyEIS@blm.gov

We have received your letter dated January 20, 2012 and two USB flash drives of the Searchlight Wind Energy Project Draft Environmental Impact Statement.


To Robert B. Ross, Jr.

The Pahrump Paiute Tribe is interested in this project within our Ancestral Homeland Territory at the Searchlight Wind Energy Project. We also feel this project may have many side effects to harm our people, water, wildlife, plants, medicines, and congestion, etc... We would also like a list of all artifacts, wildlife, birds, plants, etc... in that area. We would like to meet with you and discuss the project and concerns. We have received the flash drives and would like to have a book copy. I do not always have access to a computer. The tribe would also like to know about the feedback you had received. We would like additional time and have further questions regarding this proposed action.

Environmental Consequences
Archaeological
Biological
Botanical
Hydrologic
Religious
Cultural
Etc...

We would like to meet with you concerning all projects that need to be addressed.
We have included our meeting calendar and address of meetings.
We look forward to meeting you.

Thank You


Edward G. Jim
Pahrump Paiute Tribal Chairman

245-764-1462

The EIS provides a discussion of the biological, botanical, cultural resources, and other environmental issues that are found in the Searchlight Wind Energy Project Area.

Results of the tribal consultation conducted will be summarized in the final EIS upon final completion of consultation. Consultation has been in progress since 2009.

Pahrump Paiute Tribal Meetings for 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am – Saturday
January 14, 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am – Saturday
February 11, 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am – Saturday
March 10, 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am – Saturday
April 14, 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am – Saturday
May 12, 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am – Saturday
June 09, 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am - Saturday
July 14, 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am - Saturday
August 11, 2012

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am - Saturday
September 08, 2012 - Candidates

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am - Saturday
October 13, 2012

Annual Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am - Saturday
November 17, 2012 - Elections

Pahrump Paiute Tribal Meeting
Comstock Park Clubhouse
11:00 am - Saturday
December 08, 2012 – New Officers

Comments:

November 16, 17, 18 is the Pahrump Powwow
and Walk for Diabetes

Organizations

By email to BLM_NV_SNDO_SearchlightWindEnergyEIS@blm.gov
and by Express Mail, including a CD-ROM containing referenced materials.

April 13, 2012

Bureau of Land Management
BLM Las Vegas Field Office,
Attn: Gregory Helseth
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

Dear Mr. Helseth:

Please accept these comments from Judy Bundorf, the Friends of Searchlight Desert and Mountains, and Basin and Range Watch on the draft Environmental Impact Statement (“DEIS”) Searchlight Wind Energy Project (NVN-084626) (the “project”). The comments are being sent to you by email, with a separate submission by courier including a CD-ROM containing supporting and referenced materials.

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Judy Bundorf – Friends of Searchlight Desert and Mountains – Basin and Range Watch
Comments on Searchlight Wind Energy Project DEIS, April 2012

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INTRODUCTION

The proposed Searchlight Wind Energy Project would squeeze at least 87 industrial-scale wind turbines and over eight miles of transmission lines into the heart of a protected area that shelters the highest density desert tortoise habitat in Nevada. The project would install turbines within one-quarter mile of residential areas in and near the town of Searchlight, and line the mountains and fragile desert landscape along the only local access to the Lake Mead National Recreation Area ("NRA") with structures as tall as Las Vegas's 435-foot tall Caesars Palace topped by spinning blades as broad as a 747 jumbo jet. This industrial energy development project would cause significant and unacceptable impacts to the natural and human environment of southern Nevada. The transmission line and the effects of the project would intrude into the Piute-Eldorado Valley Area of Critical Environmental Concern ("ACEC") and dominate the viewshed along the road to Cottonwood Cove on Lake Mohave and for hikers seeking opportunities for quiet recreation in the surrounding Searchlight Mountains.

The Bureau of Land Management ("BLM") manages the public lands surrounding the town of Searchlight under a "multiple use" mandate. However, the proposed industrial-scale energy project would effectively transform the lands within several miles in every direction from the project site (and the site itself) into a "single-use" zone, in which the effects of the enormous turbines and land disturbance would crowd out other uses. Nationally-significant scenic resources, protected species such as the desert tortoise (*Gopherus agassizii*) and desert bighorn sheep (*Ovis canadensis Nelsoni*), and the people who live in close proximity to the project site and flock to the area to recreate would have their landscape irreparably changed by the installation of a turbine array stretching over 30 square miles (18,949 acres) of largely pristine desert.

The DEIS describes that the proposed action and BLM-preferred alternative would allow construction of 96 or 87 turbines, each over 400 feet tall, within a "keyhole" surrounded by the ACEC and the critical habitat for desert tortoise it contains. Both of these virtually identical "action" alternatives would involve constructing 8.7 miles of overhead transmission line, including nearly a mile of transmission line and an interconnection facility within the ACEC itself. Duke Energy, through its wholly-owned subsidiary Searchlight Wind Energy LLC ("Duke" or the "applicant") seeks a right-of-way ("ROW") for construction, operation and maintenance of the turbines and the transmission line. The Western Area Power Administration ("Western") has applied for a ROW to construct, operate and maintain a switching station to interconnect the project with Western's Davis-Mead 230-kV transmission line.

BLM repeatedly insists in the DEIS that impacts from the two alternative are "similar," and it is apparent from Duke's Plan of Development ("POD") that the 96-turbine configuration is an artificial proposal, designed to allow BLM to go through the motions of the NEPA analysis. This is discussed further below in the Section II.C. Because the 96-turbine proposal is a straw man, our comments focus on BLM's preferred alternative to authorize construction of 87 turbines. DEIS at 2-6. The impacts from an 87-turbine configuration are unacceptable, and BLM and the public must presume that the impacts of any larger configuration would only be more so.

This section is an introduction to the comments in this letter. BLM responses to comments are addressed as appropriate in the subsequent comment sections. Additionally, these commenters provided supplemental information, which can be found on the BLM's Searchlight Wind Energy Project website at http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy/searchlight_wind_energy.html.

In the fragile desert landscape between Searchlight and the Lake Mead NRA, an industrial-scale energy facility with turbines up to 428 feet tall would dominate the skyline and industrialize a landscape hitherto largely preserved for native wildlife and traditional land uses. Access roads, turbine pads and transmission lines would fragment largely intact habitat for a variety of wildlife, destroying the scenic beauty of the Searchlight Mountains and surrounding protected areas. Turbines would intrude on residents and visitors, a constant presence disrupting the clear viewsheds and threatening potential harm to the health and safety of the surrounding human communities.

The project site and the surrounding ACEC are home to several imperiled and protected species, including the desert tortoise, desert sheep, golden eagles (*Aquila chrysaetos*), bald eagles (*Haliaeetus leucocephalus*), as well as a variety of migratory birds. The project would significantly harm desert tortoise, a species listed as “threatened” under the Endangered Species Act (“ESA”) and under tremendous pressure throughout its range from proposed energy development and fragmentation of its habitat. The U.S. Fish & Wildlife Service (“USFWS”), the federal agency responsible for protecting the tortoise, issued a Revised Recovery Plan for the Mojave Population of the Desert Tortoise (“Recovery Plan”) in May 2011, describes there is a developing and serious “threat of large-scale energy development and the potential impacts to desert tortoises and their habitat.” Recovery Plan at ii, 16, 138–39.

Because of the unique factors present surrounding the Searchlight project site, BLM must take a close and exhaustive look at the likely impacts of the proposed construction and operation of turbines and a transmission line. Instead, the DEIS is inadequate to inform the public about the actions that BLM is considering, in violation of the National Environmental Policy Act (“NEPA”) and their substantive legal obligations. The DEIS improperly narrows the scope of impacts evaluated, ignores essential information regarding tortoise, raptors, and other impacts, presents biased, misleading or incorrect information regarding potential impacts, and was largely drafted at the instigation of the applicant without any evidence that the BLM supplied substantive input or expertise.

The DEIS draws conclusions about the impacts of the project without adequate collecting and disclosing information and acknowledges that further study will be required to resolve some of these issues. Description and evaluation of the efficacy of mitigation measures is almost non-existent, and what little is disclosed is inadequate, indicating that mitigation will be postponed to some indeterminate future process. No information is presented regarding potential conditions which BLM is considering imposing on the generation/transmission and interconnection ROWs to protect the environment and the resources on private and public lands affected by the project. Yet the DEIS repeatedly posits that the environmental impacts of the project are insignificant or can be mitigated, despite the lack of complete mitigation plans for issues such as visual impacts, health and safety impacts, desert tortoise, golden eagles, other raptors, cultural resource impacts, and other impacts to protected areas of public land.

The absence of detailed and precise information about likely impacts and mitigation measures renders BLM’s conclusions regarding the project’s impacts invalid. Merely including this information in a final Environmental Impact Statement (“EIS”) does not satisfy NEPA

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unless a supplement is prepared and the public is given a full and fair opportunity to comment on the missing information. *See* 40 CFR § 1500.1(b) (“NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.”). Under NEPA, an agency cannot withhold information from public review until just before (or after) it makes a decision.

Because of the deficiencies in the DEIS, BLM must issue a Supplemental DEIS that adequately discloses and completely evaluates the likely environmental impacts that will flow from a decision authorizing a ROW over public lands to generate and transmit power in the proximity of Searchlight and through and adjacent to the Piute-Eldorado Valley ACEC. The Supplemental DEIS also must disclose what alternative conditions BLM is considering imposing on any ROW grant to allow the public to review and comment on whether they are adequate to mitigate the dramatic ecological and visual effects of the generation and transmission project on the human and natural environment.

Even without the additional disclosure required by NEPA, it is apparent from the preliminary information presented in the DEIS that the heart of an otherwise protected landscape adjacent to a local population center is the wrong place to develop an industrial-scale wind energy project. BLM’s statutory obligations to manage federal lands on and near the project site precludes it from approving ROWs for a generation and transmission project that would render the area unlivable for the ESA-listed tortoise and the residents and visitors who depend on the public lands from which their use would effectively be excluded. BLM, or the Secretary of the Interior, ultimately should choose the “no action” alternative and deny the ROW applications to develop this project.

I. BLM Must Prepare and Distribute a Supplemental DEIS For Public Comment.

Congress enacted NEPA in 1969, directing all federal agencies to assess the environmental impact of proposed actions that significantly affect the quality of the environment. 42 U.S.C. § 4332(2)(C). NEPA’s disclosure goals are two-fold: (1) to insure that the agency has carefully and fully contemplated the environmental effects of its action, and (2) to insure that the public has sufficient information to challenge the agency’s action. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 322, 349 (1989); *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1151 (9th Cir. 1998). NEPA’s “sweeping commitment [is] to prevent or eliminate damage to the environment and biosphere by focusing government and public attention on the environmental effects of proposed agency action.” *Marsh v. Or. Natural Resources Council*, 490 U.S. 360, 371 (1989) (quoting 42 U.S.C. § 4321). The Council on Environmental Quality (“CEQ”) promulgated uniform regulations to implement NEPA that are binding on all federal agencies. 42 U.S.C. § 4342; 40 C.F.R. §§ 1500 *et seq.*

NEPA requires agencies to prepare an EIS for any “major federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). An EIS must analyze the direct, indirect, and cumulative environmental impacts of the proposed action. Direct effects are caused by the action and occur at the same time and place as the proposed project. 40 C.F.R. § 1508.8(a). Indirect effects are caused by the action and are later in time or farther removed in

The provisions for preparation of a Supplemental EIS are described in 40 CFR 1502.9, (c) (1) (i), “The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.”

Preparation of a Supplemental EIS is not warranted because neither of these conditions apply, the proposed action has not been substantively changed since publication of the DEIS and no significant new information was provided or developed during the public comment period.

distance, but are still reasonably foreseeable. *Id.* at § 1508.8(b). Both types of impacts include “effects on natural resources and on the components, structures, and functioning of affected ecosystems,” as well as “aesthetic, historic, cultural, economic, social or health [effects].” *Id.* at § 1508. Cumulative impact results when the “incremental impact of the action [is] added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” *Id.* at § 1508.7.

A major purpose of NEPA is to ensure that federal agencies conduct fully informed environmental decision-making. NEPA promotes its sweeping commitment to “prevent or eliminate damage to the environment and biosphere” by focusing the attention of federal decision makers and the public on the environmental and other impacts of proposed agency action. 42 U.S.C. § 4321. By focusing agency attention on the environmental and socioeconomic impacts of a proposed action, NEPA ensures that the agency will not act on incomplete information, only to regret its decision once finalized. *See Methow Valley Citizens Council*, 490 U.S. at 349. To that end, “[t]he sweep of NEPA is extraordinarily broad, compelling consideration of any and all types of environmental impacts of federal action.” *Calvert Cliffs’ Coordinating Comm. v. U.S. Atomic Energy Comm’n*, 449 F.2d 1109, 1122 (D.C. Cir. 1971). An agency must “take the initiative of considering environmental values at every distinctive and comprehensive stage of the process.” *Id.* at 1111. Federal agencies must consider all reasonably foreseeable environmental impacts at the earliest possible stage of a project’s development and fully such impacts before making a decision to proceed with the project.

Under the NEPA regulations, a draft EIS “must fulfill and satisfy to the fullest extent possible the requirements established for final statements.” 40 C.F.R. § 1502.9(a). When a draft EIS “is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” *Id.* Substantial changes in the proposed action, or significant new circumstances or information relevant to environmental concerns, trigger a mandatory obligation to prepare a supplemental draft EIS. *Id.* § 1502.9(c)(1).

“NEPA’s public comment procedures are at the heart of the NEPA review process” and reflect “the paramount Congressional desire to internalize opposing viewpoints into the decision making process to ensure that an agency is cognizant of all the environmental trade-offs that are implicit in a decision.” *Cal. v. Block*, 690 F.2d 753, 770-71 (9th Cir. 1982). It is only at the stage when the draft EIS is circulated that the public and outside agencies have the opportunity to evaluate and comment on the proposal. *Id.* at 771. “No such right exists upon issuance of a final EIS,” *Id.* Consequently, an agency’s failure to disclose the impacts of a proposed action before the issuance of a final EIS defeats NEPA’s goal of encouraging public participation in the development of information during the decision making process. *Half Moon Bay Fishermans’ Marketing Ass’n v. Carlucci*, 857 F.2d 505, 508 (9th Cir. 1988).

BLM is required to “describe the environment of the areas to be affected or created by the alternatives under consideration.” 40 CFR § 1502.15. The establishment of the baseline conditions of the affected environment is a practical requirement of the NEPA process. In *Half Moon Bay*, the Ninth Circuit states that “without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and

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Chapter 3.0-Affected Environment provides baseline data for the proposed project area. Additionally, BLM provided the following technical reports on the BLM Searchlight Wind Energy Project (NVN-084626) website: Raptor Nest Survey Report, Botanical Report, Monitoring Bat Populations April 2008-April 2009, Avian Survey Report, Desert Tortoise Inventory Report, and Terrestrial Wildlife Survey Report (http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/energy/searchlight_wind_energy.html).

consequently, no way to comply with NEPA.” 857 F.3d at 510. Similarly, without a clear understanding of the current status of these public lands BLM cannot make a rational decision regarding proposed project. See *Ctr. for Biol. Diversity v. BLM*, 422 F. Supp. 2d 1115, 1166-68 (N.D. Cal. 2006) (holding that it was arbitrary and capricious for BLM to approve a project based on outdated and inaccurate information regarding biological resources found on public lands). As described throughout these comments, BLM has failed to provide accurate baseline information about a wide variety of resources at and surrounding the project site, including the status of the desert tortoise and other sensitive and rare plant and animal communities.

A draft Environmental Impact Statement must provide the public with sufficient information to permit meaningful consideration of the action under agency review. *Cal. v. Block*, 690 F.2d at 772. The DEIS here fails to provide sufficient information in several regards and requires supplementation and further opportunity for public review and comment.

A. BLM must issue a supplemental DEIS based on information regarding impacts to desert tortoises.

The DEIS fails to disclose significant information regarding the desert tortoise, including the USFWS's most recent recovery plan for the tortoise and recent studies by federal and state wildlife officials demonstrating that the handling and translocation of tortoises will cause unacceptably high rates of mortality. This new information triggers BLM's responsibility to produce a supplemental DEIS disclosing this data to the public and providing the BLM's evaluation of the data. 40 C.F.R. § 1508.25(a). The DEIS also discloses no information about what mitigation actually will be implemented to minimize impacts to tortoises, but rather all mitigation is still purely hypothetical. DEIS at 2-43 to 2-44.

BLM must evaluate and present information about mitigation in the supplemental DEIS. Prematurely publishing a DEIS that lacked critical information regarding environmental impacts violates NEPA. BLM also must engage its own expertise, and enlist that of USFWS, in surveying the areas on and adjacent to the project site for tortoises, and in describing the likely impacts of noise and habitat fragmentation not only on the site itself, but also in the surrounding ACEC that is designated tortoise critical habitat. BLM cannot rely only on information provided by Duke's consultants to protect this threatened species.

B. BLM must issue a supplemental DEIS which discusses adequate alternatives, including alternative conditions which BLM may consider imposing on any ROW grants.

As described in more detail in Section IIC, the DEIS fails to discuss adequate alternatives. The DEIS contains no discussion of alternative conditions BLM is considering to satisfy its obligation under the Federal Lands Policy and Management Act (“FLPMA”), the Endangered Species Act, the Bald and Golden Eagle Protection Act, and other statutory obligations. By failing to disclose potential conditions that could be applied to the ROW grants to mitigate environmental impacts and comply with BLM's substantive statutory obligations, BLM has failed to prepare an adequate DEIS, and must issue a supplemental DEIS which

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BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion). No tortoise translocation is proposed for this project. Potential effects of handling tortoises are discussed in Section 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives and in Appendix B-2: USFWS Biological Opinion.

BLM requires that mitigation measures be implemented as a stipulation of the ROW Grant. Development of mitigation plans often requires input, review, and approval by other regulating agencies such as USFWS, NDEP, DAQ, and NDOT and is not typically completed prior to a Final EIS. All the elements and basic requirements of the mitigation plans are discussed throughout the EIS.

Independent third party contractors that have no interest in the outcome of the project completed the biological surveys, species information, and impact assessment. USFWS-approved protocols for desert tortoise surveys were used. BLM resource specialists then reviewed impact assessments.

A discussion of habitat fragmentation was added to the EIS in 4.4.5.2 Desert Tortoise – Direct and Indirect Impacts by Alternatives and Appendix B-2: USFWS Biological Opinion. For an updated discussion of noise impacts to wildlife Section 4.4.4-Wildlife.

The two action alternatives satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW applications under FLPMA and NEPA, and are consistent with other applicable federal mandates and renewable energy policies and goals. The BLM developed a purpose and need statement and considered a range of reasonable alternatives consistent with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instruction Memorandum 2011-059. The purpose and need statement appropriately integrates Congress's goal that the Secretary of the Interior should seek to approve renewable energy projects on the public lands; direction from Secretarial Order 3285A1 (March 11, 2009, amended February 22, 2010), which establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior; and the BLM's responsibility under FLPMA to manage the public lands for multiple use, taking into account the long-term needs of future generations for renewable and non-renewable resources. The two action alternatives

adequately evaluates alternatives for complying with the statutory objectives which bind the agency. *Or. Natural Desert Ass'n v. BLM*, 625 F.3d 1092, 1109 (9th Cir. 2010) (“*ONDA v. BLM*”) (“the considerations made relevant by the substantive statute driving the proposed action must be addressed in NEPA analysis”). The DEIS fails to consider a variety of factors that derive from the statutes which BLM is implementing and under which it has specific statutory obligations.

The supplemental DEIS will also be an opportunity to rectify BLM’s failure to include reasonable alternatives. As discussed below, evaluating only the applicants’ proposed action and an almost identical preferred alternative that is identical in every respect except with 9% fewer turbines does not satisfy NEPA’s obligation that BLM rigorously explore and objectively evaluate *all* reasonable alternatives, including alternatives not within BLM’s jurisdiction. In addition to disclosing and evaluating ROW conditions that BLM would apply to the proposed action and preferred alternative which will address the statutory obligations that bind BLM to protect the resources present on and around the project site, BLM must evaluate reasonable alternatives that will minimize impacts from the project. These include alternatives that would allow Duke to attain its objective of generating 200 MW of electricity through distributed solar generation, or produce the electricity from private lands or brownfields sites, or on any site where the density of desert tortoise is not as great as on the Searchlight project site.

C. BLM must issue a supplemental DEIS which properly discloses the impacts to visual resources and discloses other impacts to the human environment not disclosed or evaluated in the DEIS.

BLM also must issue a supplemental DEIS to disclose and allow the public to comment on a series of factors and issues for which there is no analysis in the DEIS, or for which the analysis in the DEIS is woefully inadequate or misleading. These are discussed at length in the sections below, but include (1) woefully misleading visual resource impacts simulations, which do not correctly illustrate the likely actual impacts to scenic resources; (2) incomplete and inaccurate information about the economic and social costs associated with building an utility-scale wind-project in this location; (3) undisclosed and unevaluated potential harm to human health and safety from the construction and operation of the project; and (4) lack of disclosure of mitigation plans and conditions to limit the harmful effects of the project on the human and natural environment.

BLM must wait to prepare the supplemental DEIS until it or other agencies have completed the mitigation studies and plans described in the DEIS. As described in more detail below in Sections III.A.1.c and III.B, an EIS must have the mitigation measures “developed to a reasonable degree,” not simply list them. *Nat’l Parks & Conservation Ass’n v. Babbitt*, 241 F.3d 722, 734 (9th Cir. 2001). In addition, the agency must analyze the *effectiveness* of the proposed mitigation. *S. Fork Band Council of W. Shoshone v. U.S. Dep’t of Interior*, 588 F.3d 718, 727 (9th Cir. 2009). The DEIS describes that at least a dozen analyses or mitigation plans have not yet been completed and contain no information about what the plans actually will require. DEIS at 1-14 to 1-21; 2-24 to 2-50. Nor does the DEIS contain any information about the crucial “mitigation” through the terms and conditions of a biological opinion for the project’s effects on

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satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW applications under FLPMA and NEPA, and are consistent with other applicable federal mandates and renewable energy policies and goals.

The BLM does not need to analyze in detail an alternative for distributed generation because such an alternative would not respond to the purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology. Additionally, the Energy Policy Act of 2005 established a goal for the Secretary of the Interior to approve at least 10,000 MWs of electricity from non-hydropower renewable energy projects located on public lands. The Act reflects Congress’s conclusion that installation of renewable energy technologies on the public lands capable of producing at least 10,000 MWs is appropriate. Moreover, as described in the EIS, the Department and the BLM have issued policies and guidance promoting the development of renewable energy development on BLM-administered public lands. Given the current state of the technology, only utility-scale renewable energy generation projects are reasonable alternatives to achieve this level of renewable energy generation on public lands. Furthermore, the BLM has no authority or influence over the installation of distributed generation systems, other than on its own lands. The BLM is evaluating the use of distributed generation at individual sites through other initiatives (Executive Order 13514 and DOI implementing actions).

The BLM will not typically analyze a non-Federal land alternative for a right-of-way application on public lands because such an alternative does not respond to the BLM’s purpose and need to consider an application for the authorized use of public lands for renewable energy development.

Applicant Proposed Measures and Mitigation measures are disclosed in Table 2.6-4. Applicant Proposed Measures, and Table 2.6-2. Mitigation Measures, respectively. BLM requires that mitigation measures are identified in the ROW Grant. Development of mitigation plans often requires input, review, and approval by other regulating agencies such as USFWS, NDEP, DAQ, and NDOT. As such these plans are not typically completed prior to a Final EIS. However, all the elements and basic requirements of the mitigation plans are discussed throughout the EIS.

ESA-listed threatened desert tortoise, nor any information about terms and conditions of a take permit under the Bald and Golden Eagle Protection Act to cover likely take of golden eagles by the project's turbines.

When a draft EIS "is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion." 40 C.F.R. § 1502.9(a). As described more fully below, the DEIS's discussion of the likely effects on biological, transportation, visual, socioeconomic, and other resources is inadequate as it currently stands to preclude meaningful public participation and to preclude meaningful analysis by the agency. The discussion of "mitigation" likewise refers to plans and other mitigation measures that are to be developed sometime in the future, and therefore it is impossible for the DEIS to provide any description, much less analysis, of the effectiveness of the proposed mitigation. Accordingly, BLM must prepare a supplement to the DEIS for public review and comment.

II. The DEIS Improperly Defines the Purpose and Need for the Project, Fails to Evaluate Compliance with BLM's Statutory Obligations, and Presents Inadequate Alternatives.

A. The Purpose and Need statement is improperly narrow and driven by Duke's economic needs and fails to consider whether there is a need for the project.

The DEIS impermissibly defines the "purpose and need" for the proposed action too narrowly, precluding development of reasonable alternatives. DEIS § 1.3. In the EIS, an agency must "'rigorously explore and objectively evaluate all reasonable alternatives' to a proposed plan of action that has significant environmental effects." *NRDC v. U.S. Forest Serv.*, 421 F.3d 797, 813 (9th Cir. 2005) (citing 40 C.F.R. § 1502.14(a)). In order to do so, the agency must first reasonably and objectively define the purpose and need of a proposed action. *See Simmons v. U.S. Army Corps of Eng'rs*, 120 F.3d 664, 666 (7th Cir. 1997) (citing *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 195–96 (D.C. Cir. 1991)). The chosen statement of purpose and need effectively dictates the range of alternatives evaluate in an EIS. *Id.* "[A]n agency cannot define its objectives in unreasonably narrow terms." *City of Carmel-By-The-Sea v. U.S. Dep't of Transp.*, 123 F. 3d 1142, 1155 (9th Cir. 1997). "An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative . . . would accomplish the goals of the agency's action, and the EIS would become a foreordained formality." *Nat'l Parks & Conservation Ass'n v. Bureau of Land Mgmt.*, 606 F.3d 1058, 1070 (9th Cir. 2010). Moreover, an agency may not allow the economic needs and goals of a private applicant to define the purpose and need, and hence the inevitable outcome, of an EIS. *Id.*

Federal agencies must "'exercise a degree of skepticism in dealing with self serving statements from a prime beneficiary of the project and to look at the general goal of the project rather than only those alternatives by which a particular applicant can reach its own specific goals." *Env'tl. Law & Policy Ctr. v. U.S. Nuclear Reg. Comm.*, 470 F.3d 676, 683 (7th Cir. 2006) (quoting *Simmons*, 120 F.3d at 666). When the purpose and need of a project are overly narrow, the resulting range of alternatives is inadequate under NEPA. *See Env'tl. Law & Policy Center*, 470 F.3d at 684 (citing *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 199 (D.C. Cir.

The BLM developed a purpose and need statement and considered a range of reasonable alternatives consistent with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instruction Memorandum 2011-059. The two action alternatives satisfy the purpose and need because they fulfill BLM's obligation to consider the ROW applications under FLPMA and NEPA and because they are consistent with other applicable federal mandates and renewable energy policies and goals.

large-scale energy development fragmenting or isolating desert tortoise conservation areas and cutting off gene flow between these areas *have not been evaluated.*" *Id.* How is it possible that BLM would even consider permitting new projects in prime desert tortoise habitat when the effects of energy development on tortoises has not been evaluated?

In addition, Secretarial Order 3285A1 establishes that development of *environmentally responsible* renewable energy is a priority for the Department of the Interior. This project, in the "preferred" 87-turbine configuration, in no way can be considered "environmentally responsible." Of the 20 "potentially affected resources" BLM evaluates, 16 will be impacted in a negative manner. DEIS at 1-9. The removal of vegetation and destruction of cryptobiotic soil crusts which "fix" carbon may actually accelerate climate change more than the supposedly "green" wind energy will reduce impacts.

The DEIS fails to even acknowledge that BLM has no obligation or responsibility whatsoever to meet the Duke's needs or desires. As a result, the applicant-identified needs are defining and driving the characteristics of this project and the alternatives thereto. This approach is inappropriate and unlawful. The DEIS must identify whether there truly is a need for energy transmission and generation facilities near Searchlight. BLM must evaluate whether wind energy generation and transmission is an appropriate use for the federally-protected lands and adjacent private lands that the project would affect.

In this DEIS, the "purpose and need" is defined as simply approving, conditionally approving, or denying the ROW applications. DEIS at xi, 1-6, 1-7. This is a breathtaking abrogation of BLM's obligation to consider "all reasonable alternatives" and whether there is truly a need for Duke's wind energy project. Any "need" for this federal action, beyond satisfying Duke's request, is not described at all. In particular, there is no evidence presented in the DEIS that it is necessary to generate wind energy in the Searchlight area, and consequently no evidence that this project is needed at all. No quantitative data on wind suitability is presented in the DEIS, and BLM has not evaluated alternative regional systems for generating and transmitting electrical power from renewable sources that would not involve crossing protected areas.

Duke has not demonstrated that there is a need to construct this generation project based on the availability of wind resources at those locations. In fact, the DEIS includes a map of wind resources in Nevada with the project area designated by a vague oval, showing that the wind speed at the project site averages less than 5 to 6 meters per second, near the lower end of the scale. DEIS at 1-3. A more detailed map of wind energy potential, prepared by the U.S. Department of Energy's National Renewable Energy Laboratory, shows that the vast majority of the project area is within "marginal" (Class 2) wind power potential classification. Nevada Wind Resources NERL map, Exhibit 2, also included in high-resolution pdf on CD-ROM due to size.

BLM must disclose meteorological information from the project site and include this information for public review in any supplement to the DEIS. Four meteorological towers are located in the project site, DEIS at 2-16, but there is no information provided in the DEIS regarding the data that has been observed. This information is simple for the agency to obtain

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The BLM continues to work on environmentally responsible development of utility-scale renewable energy projects on the public lands as part of the Administration's efforts to diversify the Nation's energy portfolio.

Comment noted. No current data exists to support that the loss of such a small amount of soil crust relative to available crust would create a measurable change in CO2 volumes in the atmosphere.

The BLM decisions to be made are presented in *Section 1.3.2-BLM Decisions to be Made*, of the EIS. One of the options is to deny the ROW applications. Another option is to grant the ROW application with modifications, so that the BLM's authorization would differ from the applicant's ROW proposal. Though the BLM has considered Searchlight Wind Energy's objective for the project, which is presented in *Section 1.3-Background*, Searchlight Wind Energy's objective is not the BLM's purpose and need for the project. BLM's purpose and need is described at Section xxx of the FEIS.

The EIS's purpose and need statement and consideration of alternatives comply with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instructional Memorandum 2011-059. The purpose and need statement appropriately integrates Congress's goal that the Secretary of the Interior should seek to approve renewable energy projects on the public lands; direction from Secretarial Order 3285A1 (March 11, 2009, amended February 22, 2010), which establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior; and the BLM's responsibility under FLPMA to manage the public lands for multiple use, taking into account the long-term needs of future generations for renewable and non-renewable resources. Consistent with NEPA, the EIS analyzes the direct, indirect, and cumulative effects of the proposed action and alternatives.

Searchlight Wind Energy, LLC has conducted site specific testing (using Meteorological Data collected for 5 years) and determined that sufficient wind exists to support the project. Data collected from MET towers at the application site is proprietary information and is not available.

from Duke and produce in a format that would allow the public and the decision maker to evaluate whether this proposed industrial-scale energy site should be approved. *See, e.g.* Exhibit 3 (three maps depicting wind speeds at all turbine locations at the Whistling Ridge Wind Energy project in southwestern Washington state). Without this information, there is no basis for the public to evaluate the claim that there is a “need” for the proposed wind project in this area that has only marginal potential for wind power production.

Furthermore, the map of wind resources in the DEIS at 1-3 is difficult to read and so small that it cannot be interpreted. In its supplemental DEIS along with information about the *monitored* wind speeds at the site, BLM must include appropriately-scaled maps that show the project area accurately in conjunction with wind speed data. *See, e.g.*, Exhibit 3. BLM also should include more detailed maps of the site, such as the one prepared by Duke’s consultant and included on the attached CD-ROM as “Figure 1 – Duke SWEP Project Area – LARGE MAP,” to make it easier for the public to evaluate the proposed layout and its impacts. It is also unclear why the proximity to Las Vegas and Henderson and the meteorological station in the latter city are relevant to the disclosure of information in the DEIS, when the power from this project is not destined for Las Vegas and Duke has had meteorological towers in place at the project site itself for more than three years. DEIS at 1-2, 3-37. Why is this data not disclosed, rather than data from a weather station nearly 50 miles away?

The DEIS also fails to evaluate whether relying on or expanding other renewable energy alternatives would be a practicable alternative and adequately or accurately analyze the full range of reasonable project alternatives. *See* 40 C.F.R. § 1502.14(a); *NRDC v. USFS*, 421 F.3d 797 (9th Cir. 2005); *Simmons*, 120 F.3d 664; *Env’tl. Law & Policy Ctr.* 470 F.3d 676; *Davis v. Mineta*, 302 F.3d 1104 (10th Cir. 2002). BLM has not considered whether there exist potential alternative sites for generating wind energy that would involve less ecologically sensitive areas than an area surrounded on all sides by an Area of Critical Environmental Concern and adjacent to a concentrated human population, including generation sites that are closer to existing transmission lines or distributed generation alternatives that would involve little or no additional new transmission line construction.

The DEIS has also failed to consider whether the lower efficiency and higher maintenance cost of wind energy generation and long-distance electricity transmission, compared to other renewable generation alternatives (solar, geothermal, hydropower, distributed generation) would obviate any need for this project. The DEIS also does not evaluate whether there really is a need for long-distance transmission, when other wind energy generation sites with suitable wind (and other renewable energy generating sites) are located closer to existing transmission lines. The DEIS also has not evaluated whether the relatively limited estimated life-span of a wind energy generation project (30 years, *see* DEIS at 4-41) justifies the construction of a generation and transmission project on federal lands surrounded by a protected ACEC.

The DEIS also provides no information that would allow the public or the decisionmaker to evaluate whether it should approve a project that is economically infeasible for reasons besides the weak wind resources at the project site. For example, the DEIS does not disclose and evaluate that the Production Tax Credit and the Section 1603 Grant program has not been

The purpose of this document is to evaluate environmental impacts of the proposed project and alternatives for which the Applicants have submitted ROW applications as stated in Section 1.3.1-BLM’s Purpose and Need for the Proposed Project. Searchlight Wind Energy, LLC has conducted site specific testing (using Meteorological Data collected for 5 years) and determined that sufficient wind exists to support the project. Data collected from MET towers at the application site is proprietary information and is not available.

The purpose of this document is to evaluate environmental impacts of the proposed project and alternatives for which the Applicants have submitted ROW applications as stated in Section 1.3.1-BLM’s Purpose and Need for the Proposed Project, of the EIS

renewed by Congress. BLM must disclose and evaluate whether this project will be economically feasible if the tax credits are not renewed, and present that information to the public and the decision maker *before* a decision is made to grant the ROWs.

The DEIS also improperly and incorrectly suggests that there is a need for wind energy from Searchlight to satisfy the Nevada Renewable Portfolio Standard ("NRPS"). DEIS at 1-6. However, there presently is no demand for additional renewable energy in Nevada to meet the NRPS. Nevada's economy was one of the hardest hit in the nation by the 2008 recession, and demand for energy of all types has been lower in recent years due to poor economic conditions. The DEIS discloses no information to describe and analyze the "prevailing market demand for renewable energy." DEIS at 1-6. The BLM must disclose accurate information about purported need for the electricity that would be generated by the project, and provide high-quality data showing what the current market for renewable energy in Nevada actually is.

In addition, Duke represented to the Public Utilities Commission of Nevada in September 2009 that the project is designed "to meet the growing demand for [renewable] power in Nevada and the Western United States." Searchlight Wind-Duke Permit App. to PUC 9-2009, at 2 (on attached CD-ROM). However, there is no evidence that there currently is any "growing demand" for this power, either in Nevada or in the closest neighboring states. Indeed, the state of California, which consumes more energy than any other state, described in August 2011 that it no longer has a demand for importation of electricity generated from renewable energy. Exhibit 4. In the past two years, California has permitted 5,000 MW of renewable power in eleven large solar and wind projects, bringing the total permitted over the past two years to more than 10,000 MW. *Id.* at 1. California has 513 projects seeking permits to construct and operate renewable energy facilities that would produce 49,775 MW of generation capacity. *Id.*

California now forecasts that it will exceed its goal of producing 33% of its electricity with renewables by 2020, and instead now expects it may be an *exporter* of renewable energy by that time. *Id.* at 2. Because California no longer has a demand for importation of renewable energy, the Governor's Office expressed that "[w]e are also particularly concerned when we see proposals for large renewable energy resource development outside of California interconnecting across long distances into California." *Id.* The DEIS does not disclose information about the "rapidly changing dynamics in California." *Id.* at 4. BLM must disclose and analyze information about the market for the energy that would be generated at this particular site, and whether there is, in fact, a "need" for the power that would be generated by the Searchlight Wind Project, before it can make a rational decision whether to approve the ROWs for this project.

The DEIS also repeatedly asserts that the project will produce 200 MW of power, while in fact wind energy facilities typically produce about 30% of the rated capacity, meaning that the project will in fact produce only about 66 MW of electricity. Thus any evaluation of the "need" for this project must take into account this lower figure and clarify and correct the generation capacity cited in the DEIS.

In Section 1.3-Background, the DEIS states, "The Nevada Renewable Portfolio Standard (NRPS) *provides the Applicant with the opportunity* to propose this project because the NRPS mandates that state utilities provide for renewable energy offerings and consumption goals that meet prevailing market demand for renewable energy."

Comment noted.

The BLM is a land management agency and is responding to applications filed by Searchlight Wind Energy, LLC, and Western for use of the public lands. The BLM has processed those applications consistent with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instructional Memoranda 2011-059, 2011-061, and 2009-043. The BLM has appropriately considered Congress's goal that the Secretary of the Interior should seek to approve renewable energy projects on the public lands; direction from Secretarial Order 3285A1 (March 11, 2009, amended February 22, 2010), which establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior; and the BLM's responsibility under FLPMA to manage the public lands for multiple use, taking into account the long-term needs of future generations for renewable and non-renewable resources.

B. The DEIS does not demonstrate compliance with substantive legal obligations which bind BLM.

The DEIS does not disclose how BLM intends to exercise its authority and satisfy its obligations under the substantive statutes which apply to the lands they manage on and near Searchlight and in the Piute-Eldorado ACEC. When determining what kind of EIS must be prepared, an agency must first describe accurately the federal action to be taken. *ONDA v. BLM*, 625 F.3d at 1109. “Where an action is taken pursuant to a specific statute, the statutory objectives of the project serve as a guide by which to determine the reasonableness of objectives outlined in an EIS, so too do the statutory objectives underlying the agency’s action work significantly to define its analytic obligations.” *Id.* (internal quotations and citation omitted). Because NEPA places an obligation on BLM to evaluate every significant aspect of the impact of the proposed action, “the considerations made relevant by the substantive statute driving the proposed action must be addressed in NEPA analysis” and “the factors to be considered are derived from the statute the major federal action is implementing, as well as from the nature of the action itself.” *Id.* & *id.* n.11.

The DEIS does not consider significant factors related to BLM’s compliance with its obligations under the substantive statutes which govern the proposed ROW grants and which cover the agency’s management obligations in southern Nevada.

1. The DEIS does not demonstrate that a ROW grant by BLM would comply with FLPMA.

The DEIS describes that BLM will decide whether to grant ROWs for Duke’s generation/transmission project and Western’s interconnection, and use the EIS process to approve, modify or deny the ROW grants. DEIS at 1-7. The DEIS also recognizes that BLM may place conditions on any ROW grants, which could restrict, even dramatically, the activities on the project site, in order to comply with BLM’s legal mandates for managing federal lands.

BLM’s management obligations derive from FLPMA. Regarding ROW grants, FLPMA states that

Each right-of-way shall contain...

(a) terms and conditions which will (i) carry out the purposes of this Act and rules and regulations issued thereunder; (ii) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment; (iii) require compliance with applicable air and water quality standards established by or pursuant to applicable Federal or State law; and (iv) require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of or for rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards; and

Comment noted. The Piute-Eldorado ACEC was considered in the DEIS in Section 1.4- Summary of Public Scoping and Issue Identification, Section 3.8.2.4 -under Special Designations, Section 4.8.2.2-under Special Designations, and Section 4.11.2.2-under Recreation. No activities would occur in the ACEC except as allowable under the BLM Las Vegas RMP. The ACEC would remain a ROW avoidance area. No activities would occur in the ACEC except as allowable under the Las Vegas RMP. The ACEC would remain a ROW avoidance area.

Refer to Section 1.5-Land Use Plan Conformance Determination and describes the project’s conformance with the RMP.

(b) such terms and conditions as the Secretary concerned deems necessary to (i) protect Federal property and economic interests; (ii) manage efficiently the lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the lands adjacent to or traversed by such right-of-way; (iii) protect lives and property; (iv) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and other biotic resources of the area for subsistence purposes; (v) require location of the right-of-way along a route that will cause least damage to the environment, taking into consideration feasibility and other relevant factors; and (vi) otherwise protect the public interest in the lands traversed by the right-of-way or adjacent thereto.

43 U.S.C. § 1765. Of note, a ROW must contain terms and conditions that will “carry out the purposes of FLPMA” and “minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment. *Id.* § 1765(a). FLPMA also requires that a ROW contain terms and conditions necessary to “protect Federal property and economic interests,” efficiently manage the lands that are subject to the ROW “or are adjacent thereto, and “otherwise protect the public interest” in the ROW lands or lands “adjacent thereto.” *Id.* § 1765(b) The DEIS nowhere describes how any ROW grant would comply with these obligations under FLPMA.

The DEIS explains that the “project area is to the northeast, east and southeast of Searchlight and encompasses approximately 29 total square miles (18,949 acres) of both private and BLM-administered lands in the Eldorado Mountains and Piute Valley.” DEIS at xii. BLM The DEIS does not describe effects from the project on lands outside the project area, which is surrounded by the Piute-El Dorado ACEC, except for evaluating some visual impacts that would occur outside the project area. BLM suggests that it has no responsibility to consider impacts to the ACEC. DEIS at 1-10. However, although the lands in the project area are not managed as an exclusion area, all of the lands surrounding the project area within the ACEC remain an exclusion area for wind energy development.

The DEIS fails to consider that the RMP designated the Piute-El Dorado ACEC to

Establish areas of critical environmental concern specifically for management of desert tortoise within the Northeastern Mojave and Eastern Mojave recovery units identified in the *Tortoise Recovery Plan* Manage a sufficient quality and quantity of desert tortoise habitat, which in combination with tortoise habitat on other Federal, State and private land, will meet recovery plan criteria. Maintain functional corridors of habitat between areas of critical environmental concern to increase the chance of long-term persistence of desert tortoise populations within the recovery unit.

Las Vegas RMP Record of Decision (“ROD”) at 3. The Piute-El Dorado ACEC is designated as a ROW avoidance area, except in designated corridors. *Id.* at 4, 19. There are no designated corridors within this ACEC. *Id.* at 19. The transmission line for the project would cross approximately a mile of the ACEC, with towers spaced every 500 feet. DEIS at 2-15, 3-53

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The Piute-Eldorado ACEC was considered in the DEIS in Sections 1.4-Summary of Public Scoping and Issue Identification, 3.8-Land Use, and 4.8-Land Use Impacts. No activities would occur in the ACEC except as allowable under the BLM Las Vegas RMP. The ACEC would remain a ROW avoidance area. Refer to Chapter 3 for a description of the Region of Influence (ROI) for each resource.

(Figure 3.8-3). The DEIS therefore is incorrect that “the project area does not include lands managed as exclusion or avoidance areas.” DEIS at 1-10. The 2005 amendment to the Las Vegas Resource Management Plan (“RMP”) did not change the status of the ACEC as a ROW avoidance area.

Even the 2005 amendment maintains the policy excluding ACEC’s from wind development:

The BLM will not issue ROW authorizations for wind energy development on lands on which wind energy development is incompatible with specific resource values. Lands that will be excluded from wind energy site monitoring and testing and development include designated areas that are part of the National Landscape Conservation System (NLCS) (e.g., Wilderness Areas, Wilderness Study Areas, National Monuments, NCAs, Wild and Scenic Rivers, and National Historic and Scenic Trails) and Areas of Critical Environmental Concern (ACECs). Additional areas of land may be excluded from wind energy development on the basis of findings of resource impacts that cannot be mitigated and/or conflict with existing and planned multiple-use activities or land use plans.

DEIS Appendix C, at A-2.

Based on the fact that the project will be constructed in the “keyhole” within the ACEC, the BLM apparently contends that it need not assess how project will affect the surrounding federal land. For example, the few times that the ACEC is mentioned, it is primarily to assert obliquely (and incorrectly) that the project area does not include lands managed as ROW exclusion or avoidance areas. *See, e.g.*, DEIS at 1-10; 3-50; 4-58. Similarly, the DEIS states that “[c]onstruction activities, laydown areas, or facilities would not affect recreational activities within the ACEC. Temporary decreases in camping, wildlife viewing, rock climbing and hiking opportunities within the project area due to construction activities and vehicle traffic would be minimal and short-term and limited to active construction sites and roads.” DEIS at 4.11. However, the DEIS provides no support for these statements or conclusions, but again BLM is suggesting that the construction and operation of 87 wind turbines, each 428 feet high, whose noise can be heard up to several miles, will have “minimal” effect outside the immediate footprint of the project.

Simply because the project is not located on the public lands within the ACEC does not relieve the BLM from the obligation to assess the direct, indirect, and cumulative effects of the proposed action (i.e., construction and operation of the turbine sites and associated transmission lines and interconnection facility) on the surrounding lands. 40 C.F.R. § 1508.7. By applying for a ROW that crosses that ACEC, and places at least a dozen turbines within about 750 feet of the ACEC, and several dozen turbines within about 2,500 feet of the ACEC, and, Duke has put BLM in the position of having to assess the environmental consequences of the project on the federal public land surrounding the project site, and not only the project site itself. *Nat'l Forest Preservation Group v. Butz*, 485 F.2d 408, 411–12 (9th Cir. 1973). This requirement is consistent with FLPMA, which states that the ROW contain terms and conditions necessary to

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DEIS Appendix C, at A-2.

Based on the fact that the project will be constructed in the “keyhole” within the ACEC, the BLM apparently contends that it need not assess how project will affect the surrounding federal land. For example, the few times that the ACEC is mentioned, it is primarily to assert obliquely (and incorrectly) that the project area does not include lands managed as ROW exclusion or avoidance areas. *See, e.g.*, DEIS at 1-10; 3-50; 4-58. Similarly, the DEIS states that “[c]onstruction activities, laydown areas, or facilities would not affect recreational activities within the ACEC. Temporary decreases in camping, wildlife viewing, rock climbing and hiking opportunities within the project area due to construction activities and vehicle traffic would be minimal and short-term and limited to active construction sites and roads.” DEIS at 4.11. However, the DEIS provides no support for these statements or conclusions, but again BLM is suggesting that the construction and operation of 87 wind turbines, each 428 feet high, whose noise can be heard up to several miles, will have “minimal” effect outside the immediate footprint of the project.

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No activities would occur in ACEC except as allowable under the BLM Las Vegas RMP. The ACEC will not be affected except as allowable under the BLM Las Vegas RMP.

“protect Federal property and economic interests,” efficiently manage the lands that are subject to the ROW “or are adjacent thereto, and “otherwise protect the public interest” in the ROW lands or lands “adjacent thereto.” 43 U.S.C. § 1765(b). But the DEIS does not disclose or evaluate the effects of the wind generation inside the project area on lands outside it, particularly not on critical habitat of desert tortoise located less than half a mile from dozens of turbines.

The DEIS, however, fails to include such terms and conditions that are protective of federal property and the associated public interest, or evaluate any alternatives that consider potential conditions. The DEIS contains none of the mandatory terms and conditions to “minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment.” *Id.* § 1765(a). The DEIS does not even hint at what conditions BLM might consider, which should be evaluated as separate alternatives. The DEIS recognizes that there will be significant adverse effects from project on scenic values, recreational values, and wildlife on federal lands. But the DEIS does not disclose and evaluate what terms and conditions will “minimize” such damage. And, the DEIS does not address the direct impacts to the ACEC of the construction and operation of the transmission line in a “ROW avoidance” area.

The DEIS fails to disclose how BLM has complied with its statutory obligations under Sections 504 and 504 of FLPMA. 43 U.S.C. §§ 1764–65. Nor has the DEIS demonstrated that any ROW would “prevent unnecessary or undue degradation” of the lands BLM manages, within the project site or in the surrounding ACEC. *Id.* § 1732(b). Instead, the DEIS mentions only that the ROW fits into BLM’s multiple-use mandate under FLPMA. DEIS at xi.

The DEIS does not describe how the project, and particularly the approximately one mile of transmission line that would cross the ACEC and the interconnection facility within the ACEC, would be in accordance with the Las Vegas RMP. Once an RMP is in place, FLPMA mandates that the BLM act “in accordance” with them. 43 U.S.C. § 1732(a).

The Record of Decision for the Las Vegas RMP designates all ACECs, exclusive of designated corridors and with certain exceptions, as “right of way avoidance areas.” Las Vegas RMP ROD at 19. The DEIS indicates that the interconnection facility comes within the exception for site type right-of-way exclusions within 0.50 miles of a Federal Aid Highway. DEIS at 3-50. However, the DEIS does not explain why Highway 164 (Cottonwood Cover Road) qualifies as a “Federal Aid Highway.” Furthermore, the DEIS does not explain how it could approve the portion of the transmission line that runs for approximately a mile across the ACEC to the interconnection facility, with towers every 500 feet, when the RMP designates that ACEC as a “right of way avoidance area.” Las Vegas RMP ROD at 19 (Management Direction RW-1-e). Because of the prohibition against right of way grants within ACECs, BLM cannot grant the ROW for the project consistent with the RMP. 43 U.S.C. § 1732(a).

2. The DEIS does not demonstrate that ROW grants by BLM would comply with the Endangered Species Act.

Pursuant to FLPMA, BLM may only grant a ROW if it is “consistent with the provisions of [FLPMA] or any other applicable law.” 43 U.S.C. § 1764(c). A ROW also must “do no

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Protective measures are included in Section 2.6-Mitigation Measures, throughout Chapter 4.0-Environmental Consequences, Appendix C-BLM Wind Energy Development Program Policies and BMPs and Appendix D-Western Area Power Administration Construction Standards.

The EIS discloses the impacts to all the resources on BLM-managed land throughout Chapter 4.0-Environmental Consequences. This includes consideration of the Piute-Eldorado ACEC in the EIS in Sections 1.4-Summary of Public Scoping and Issue Identification, 3.8-Land Use, and 4.8-Land Use Impacts, and 4.10-Noise Impacts.

The Piute-Eldorado ACEC was considered in the DEIS in Section 1.4- Summary of Public Scoping and Issue Identification, Section 3.8.2.4 under Special Designations, Section 4.8.2.2-under Special Designations, and Section 4.11.2.2-under Recreation. No activities would occur in ACEC except as allowable under the BLM Las Vegas RMP. The ACEC would remain a ROW avoidance area.

For a map of Federal Aid Highways that included SR 164 see the following link:

http://www.nevadadot.com/uploadedFiles/NDOT/About_NDOT/NDOT_Divisions/Planning/Roadway_Systems/FCM_Clark.pdf

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

unnecessary damage to the environment.” *Id.* § 1764(a). Under NEPA, BLM “shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.), the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and other environmental review laws and executive orders.” 40 C.F.R. § 1502.25(a) (emphases added). Accordingly, BLM’s NEPA analysis in the DEIS must evaluate whether granting a ROW is consistent with other applicable law. BLM has an obligation under the Endangered Species Act to ensure that its actions will not jeopardize the continued existence of a listed species—the threatened desert tortoise—or result in the destruction or adverse modification to desert tortoise critical habitat. 16 U.S.C. § 1536(a)(2); *Sierra Club v. Marsh*, 816 F.2d 1376, 1385–86 (9th Cir. 1987).

Furthermore, Section 9 of the ESA prohibits any person from “taking” a threatened or endangered species. 16 U.S.C. § 1538(a)(1); *see also* 50 C.F.R. § 17.31. “Take” is defined broadly under the ESA and its regulations to include harassing, harming, wounding, killing, trapping, capturing, or collecting a protected species either directly or by degrading its habitat sufficiently to impair essential behavior patterns, or to attempt to engage in any such conduct. 16 U.S.C. § 1532(19). In USFWS’s regulatory definition of take, the term “harass” is defined to mean “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.” 50 C.F.R. § 17.3. In addition, “harm” is defined as “an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.” *Id.*

The DEIS does not address whether the project—with or without conditions—could comply with the ESA. BLM must disclose and evaluate whether the grant of ROWs for the generation, transmission, and interconnection of this project on public lands would result in construction of a project that violates the Endangered Species Act. The only reference to compliance is that the project would implement terms and conditions of the USFWS’s biological opinion, which “may include” several measures such as pre-construction surveys, desert tortoise fencing, and relocation of tortoises. DEIS at 2-43 to 2-44; 4-31 to 4-32. However, this does constitute an adequate disclosure of whether or not the project *will be* consistent with the ESA, as FLPMA requires prior to a grant of a ROW.

As described in more detail below, the project will result in take of desert tortoise and in the adverse modification of desert tortoise critical habitat from the off-project-area noise and habitat fragmentation effects caused by the construction and operation of the turbines. BLM has not disclosed these impacts, and therefore has not complied with its obligation—under FLPMA—to evaluate whether a ROW grant will be consistent with other “applicable law,” namely the ESA. BLM must supplement its EIS to disclose and evaluate these effects in order to determine whether or not it can validly grant the ROWs.

SHPO will make a determination as to cultural resources classification and protection before the issuance of the Record of Decision.

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion). Section 4.4.5.3-Mitigation has been updated to include USFWS required mitigation. The Biological Opinion includes a determination regarding the effects to the species as a result of the proposed project and a take limit.

For example, BLM must answer: how many tortoises will be killed, captured, harmed, harassed or otherwise “taken” by the construction and operation of the project? How many of these takes will occur on the generation site and transmission/interconnection ROWs? How much take of tortoises by impacts from noise and avoidance effects will take place on the public lands of the ACEC that surrounds the project site? How many tortoises will be killed, harmed, harassed, or otherwise taken in the vicinity of the project site due to increased vehicle traffic both during the construction and operation phases of the project? How does BLM plan to use its authority and obligations under FLPMA Sections 504 and 505 to ensure compliance with the ESA? The DEIS does not tell us. This represents a dramatic failure by the agency to disclose relevant factors to the public and obligates BLM to issue a supplemental DEIS that addresses these issues.

In addition, BLM must disclose and evaluate whether any proposed mitigation will be effective. The DEIS merely refers to mitigation that “may” occur, DEIS 2-43, 4-31, but does not describe what mitigation *will* occur or whether that mitigation will or will not be effective. This is inadequate to comply with NEPA’s requirement of disclosures regarding mitigation. Because the effects of the project on ESA-listed wildlife, BLM’s duties under the ESA obligate the agency to consider those effects in the DEIS and prevent or minimize those effects by denying a ROW or imposing restrictive conditions consistent with Congress’s purpose in the ESA to afford listed species the highest of priorities in agencies’ land use decisions.

3. The DEIS does not demonstrate compliance with other management obligations under various federal statutes, regulations and guidance.

As discussed further below, the project will have significant impacts to avian species, killing potentially hundreds of raptors, golden eagles, and other migratory birds protected by federal statute. The DEIS does not demonstrate that BLM can issue ROWs that are consistent with these statutory obligations. The DEIS does not show, for example, that BLM has complied with, or could authorize any ROW consistent with, the Migratory Bird Treaty Act (“MBTA”), the Bald & Golden Eagle Protection Act (“BGEPA”), or the Endangered Species Act (“ESA”).

In particular, the DEIS does not demonstrate that BLM would comply with the special status species policy (BLM Manual 6840) if it approves a ROW for a generation and transmission project within desert tortoise habitat. Management of special status species (and indeed all rare species) on BLM lands should focus on ensuring long term survival and recovery in order to prevent the need for future listings. Nothing in the DEIS shows that the BLM took into consideration these critical management concerns. See BLM Manual 6840.2.C (Implementation) (“BLM shall manage Bureau sensitive species and their habitats to minimize or eliminate threats affecting the status of the species or to improve the condition of the species habitat, by . . . [e]nsuring that BLM activities affecting Bureau sensitive species are carried out in a way that is consistent with its objectives for managing those species and their habitats at the appropriate spatial scale . . . [and] [c]onsidering ecosystem management and the conservation of native biodiversity to reduce the likelihood that any native species will require Bureau sensitive species status”).

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act. USFWS has determined the appropriate “take” limit for the proposed project (Appendix B-2: USFWS Biological Opinion). If the take limit was exceeded, project activities would cease and the BLM would reconsult with the USFWS.

The Biological Opinion includes the required mitigation for the proposed project (Refer to Appendix B-2: USFWS Biological Opinion). Section 4.4.5.3-Mitigation has been updated to reflect these requirements.

Impacts to species that are state or federally protected are addressed in Section 4.4-Biological Resources Impacts.

No permitting framework exists that allows a company to protect itself from liability resulting from take at wind facilities; however, the USFWS does not usually take action under the MBTA if good faith efforts have been made to minimize impacts. Searchlight Wind Energy has developed a BBPS (formerly referred as the ABPP) to minimize impacts to birds (Appendix B-4: Bird and Bat Conservation Strategy).

The decision if a take permit is being requested is between the FWS and Searchlight Wind LLC.

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

BLM has also not demonstrated in the DEIS that it has complied with BLM Instruction Memorandum 2010-077, LR 2000 Data Standards for Renewable Energy Cases (Mar. 16, 2010). Under IM 2010-077, BLM must collect detailed data on resource conflicts for “[e]lectric transmission rights-of-way cases that facilitate, support, or have capacity to distribute power from renewable energy projects.” IM 2010-077, Appendix, *Revised Data Standards for Renewable Energy Cases*. BLM does not appear to have collected the required data for the transmission line and associated generation which the requested ROW will facilitate and support. Acknowledging this obligation and disclosing resource conflicts data in the DEIS is particularly important because it provides BLM with better information to evaluate potential alternatives, as discussed in the following section.

The DEIS also does not reflect that BLM and USFWS have fulfilled their obligations under the October 2009 Memorandum of Understanding (“MOU”) regarding federal agency review of electric transmission facilities on federal lands. Under the MOU, “[c]onsistent with its principal trust responsibility to protect and conserve migratory birds, threatened and endangered species, certain marine mammals, and interjurisdictional fish, the USFWS will consult with applicants for transmission projects potentially affecting any of these resources.” There is no evidence in the DEIS that the USFWS has fulfilled these obligations, or that BLM has sought this information. The Searchlight project includes over eight miles of transmission line, including transmission lines on a protected ACEC. BLM should obtain information from the federal wildlife expert agency and include the information in a supplemental DEIS disclosing to the public its preliminary determination regarding the effects of the transmission line and generation project on desert tortoise, golden eagles, migratory birds and other sensitive species.

The DEIS has not demonstrated that the project would comply with the Las Vegas RMP. The 2005 Wind Energy Development Programmatic EIS (“PEIS”) the Las Vegas RMP, but did not alter any of the land use designations and did not consider site-specific projects, such as the Searchlight Wind Project. Because the PEIS (and the resulting 2005 amendment to the RMP) do not consider site-specific impacts, it cannot satisfy BLM’s obligations under NEPA or under FLPMA to take actions that are in accordance with the RMP.

BLM also must consider whether the project is consistent with the most recent available science and guidance regarding wind energy development effects on wildlife and related to two of the species most likely to be adversely affected by the project, desert tortoise and golden eagles. BLM has not demonstrated that the project would contribute to the recovery of the desert tortoise as discussed in USFWS’s May 2011 Revised Recovery Plan for the Mojave Population of the Desert Tortoise. Indeed, the DEIS does not even reference this document. DEIS at 6-10. A copy is enclosed on the attached CD-ROM for BLM to consider in further environmental review of this project.

BLM also has not evaluated whether this project is consistent with the most recent USFWS guidance regarding golden eagles in the January 2011 Draft Eagle Conservation Plan Guidance. A copy is enclosed on the attached CD-ROM for BLM to consider in developing protection for eagles that will be affected by this project or in determining that the project cannot proceed. Based on the USFWS’s analysis of populations across the nation, there is no safe

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Extensive coordination was conducted between the BLM, USFWS, and NDOW regarding wildlife in the proposed project area. See Section 5.0-Consultation and Coordination and for an updated coordination/consultation history.

Refer to Section 1.5-Land Use Plan Conformance Determination for a discussion of the Programmatic EIS. This EIS considers site-specific impacts for the Searchlight Wind Energy Project.

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as the Avian and Bat Protection Plan [ABPP]) has been developed for the proposed project utilizing the recommendations within the USFWS’s March 2012 Land Based Wind Energy Guidelines (Refer to Appendix B-4: Bird and Bat Conservation Strategy). The decision if a take permit is being requested is between the USFWS and Searchlight Wind.

allowable take level for golden eagles. Therefore, USFWS currently authorizes take permits only under the philosophy that “no net loss” may be attributable to such take. However, take is unavoidable on the project site. Given the growing concern for these majestic birds, especially related to mortalities associated with wind turbines and expanding transmission infrastructure, any development decisions that will impact golden eagles must be placed within a regional population context much larger than the area immediately surrounding any proposed generation and transmission project.

Similarly, BLM has not demonstrated that the project would be consistent and has complied with BLM Instruction Memorandum 2010-156, Golden Eagle National Environmental Policy Act and Avian Protection Plan Guidance for Renewable Energy (Sept. 30, 2011). IM 2010-156 requires BLM to coordinate with USFWS early and throughout the planning process, and conduct a cumulative effects analysis of impacts to golden eagles based on the detected presence of golden eagles at the project site and consequent potential direct effects to the birds. The DEIS does not comply with the guidance in IM 2010-156 and provides no explanation for why it does not.

In addition, in the course of preparing a supplemental DEIS, BLM must consider whether development of this project will comply with the USFWS’s March 2012 Land-Based Wind Energy Guidelines. A copy of this document is provided on the attached CD-ROM. These guidelines contain the most recent guidance from USFWS to minimize impacts to wildlife from wind energy facilities, and must be evaluated to comply with BLM’s obligation to minimize impacts from ROW grants on public lands as well as comply with BLM’s obligations under NEPA and other statutes. For example, the guidelines sensibly provide that “the lead federal action agency should make its decision based in part on a developer’s commitment to mitigate adverse environmental impacts” and provide information to the public about mitigation. Wind Guidelines at 53. The DEIS does not do this because all of the mitigation plans have not yet been developed and therefore cannot be meaningfully addressed.

C. The DEIS fails to consider reasonable alternatives.

“The purpose of NEPA is to require disclosure of relevant environmental considerations that were given a ‘hard look’ by the agency, and thereby to permit informed public comment on proposed action and any choices or alternatives that might be pursued with less environmental harm.” *Te-Moak Tribe of W. Shoshone of Nev. v. U.S. Dep’t of Interior*, 608 F.3d 592, 601 (9th Cir. 2010) (quoting *Lands Council v. Powell*, 395 F.3d 1019, 1027 (9th Cir. 2005)); *see also* 42 U.S.C. § 4332(E) (requiring agencies to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources”); Agencies are required to consider alternatives in an EIS and must give full and meaningful consideration to all reasonable alternatives. *Te-Moak Tribe*, 608 F.3d at 601; *see also* 40 C.F.R. §§ 1502.14, “The existence of a viable but unexamined alternative renders an environmental impact statement inadequate.” *Te-Moak Tribe*, 608 F.3d at 601 (citing *Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519 (9th Cir. 1992) (quoting *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir. 1985)).

BLM-IM-2010-156 is expired.

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as the Avian and Bat Protection Plan [ABPP]) has been developed for the proposed project utilizing the recommendations within the USFWS’s March 2012 Land Based Wind Energy Guidelines (Refer to Appendix B-4: Bird and Bat Conservation Strategy).

The BLM developed a purpose and need statement and considered a range of reasonable alternatives consistent with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instruction Memorandum 2011-059. The two action alternatives satisfy the purpose and need because they fulfill BLM's obligation to consider the ROW applications under FLPMA and NEPA and because they are consistent with other applicable federal mandates and renewable energy policies and goals.

Because “the EIS is intended to be used to guide decisionmaking, the alternatives analysis is naturally ‘the heart of the environmental impact statement.’” *ONDA v. BLM*, 625 F.3d at 1100 (quoting 40 C.F.R. § 1502.14). In the alternatives section, the agency must “[r]igorously explore and objectively evaluate all reasonable alternatives.” C.F.R. § 1502.14. When selecting alternatives, an agency may *consider* an applicant’s desires, but is not by any means bound or limited by them. It is not appropriate for an agency to rely on the “self-serving statements of the project applicants.” *S. Utah Wilderness Alliance v. Norton*, 237 F. Supp. 2d 48, 53 (D.D.C. 2002). Instead, the action agency must “to the fullest extent possible . . . study, develop and describe appropriate alternatives to recommended courses of action in any proposal which includes unresolved conflicts concerning alternative uses of available resources.” *Id.* at 54 (citing 42 U.S.C. § 4332(2)(E)).

Moreover, “[o]ther factors [other than the applicant’s desires] to be developed during the scoping process—comments received from the public, other government agencies and institutions, and development of the agency’s own environmental data—should certainly be incorporated into the decision of which alternatives to seriously evaluate in the EIS.” CEQ, Guidance Regarding NEPA Regulations, 48 Fed. Reg. 34,263, 34,267 (July 28, 1983). “In determining the scope of alternatives to be considered, the emphasis is on what is ‘reasonable’ rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.” CEQ, Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations at Question 2a (available at <http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM#1>).

The DEIS, which appears to be almost entirely prepared by the applicants’ consultants, presents three alternatives—of which the two action alternatives are virtually identical and which include no disclosure of potential conditions BLM could impose. By failing to develop alternatives that would reduce the number of turbines to decrease impacts to the human and natural environment, other reasonable alternatives, or *any* alternatives which incorporate ROW conditions that would be protective of the environment and necessary to comply with BLM’s statutory obligations, the DEIS violates NEPA.

1. BLM must consider alternatives that impose more protective conditions on the project.

The DEIS acknowledges that BLM has the authority and obligation to impose conditions on the ROWs that will satisfy BLM’s obligations under substantive laws. However, there is no discussion in the DEIS of alternative conditions. Without a presentation of detailed information about potential conditions, the public is left entirely in the dark about the actual action BLM is proposing to take. Part of this failure in the DEIS to discuss alternative conditions is due to the paucity of the DEIS’s analysis of the impacts to desert tortoises and the misrepresentation of impacts to other resources described in more detail below. Dozens of turbines on the project site would be placed within 2,500 feet of designated critical habitat for desert tortoise within the ACEC or within a similar distance from the only access road to Cottonwood Cove in the Lake

NewFields in an independent third party contractor supporting the BLM with preparation of this NEPA document.

Mead NRA, and as close as 1,345 feet from a residential home. BLM has not evaluated any alternative that, for example, would impose a condition on the ROW grant that prohibits construction of turbines within a mile of designated tortoise habitat or public roads or homes to actually “minimize” impacts to the human and natural environment.

The DEIS also fails to discuss any potential conditions that would flow from the USFWS’s Wind Turbine Guidelines Advisory Committee Recommendations, issued in March 2010 (*available at* http://www.fws.gov/habitatconservation/windpower/Wind_Turbine_Guidelines_Advisory_Committee_Recommendations_Secretary.pdf and included on the enclosed CD-ROM). BLM has the authority to impose conditions on the ROW that would require any energy generation connected to the ROW to comply with the recommendations in these Guidelines. Please explain why the DEIS does not consider ROW conditions that would comply with these Guidelines. Please discuss whether the recommendations contained in these Guidelines should be included as binding conditions in the ROW grant.

The DEIS contains no definition of the “Project Area,” but rather only a map. DEIS at 1-2, 1-5 (Figure 1-3). The BLM needs to spell out clearly what it means by the “project area” *See Friends of Yosemite Valley v. Norton*, 348 F.3d 789, 800 (9th Cir. 2003) (“[A] reviewing court [must] focus upon a proposal’s parameters as the agency defines them” (alteration in original omitted) (quoting *Block*, 690 F.2d at 761)). The DEIS fails to discuss effects on lands and resources that would be affected by noise and visual effects from the turbines, such as tortoises and bighorn sheep which inhabit the surrounding ACEC. The DEIS includes no discussion of reasonable alternatives to minimize harm from generation and transmission facilities to such resources, even though they are clearly affected by the project. Here, the agency has refused to even provide a definition of the scope of the action, but appears to have considered no impacts (besides a few visual impacts) that would spill over onto public lands outside of the boundary of the project site drawn in Figure 1-3. BLM must more clearly define the scope of the action, and consider *all* areas that are affected by operation of the turbines, include areas outside of the boundary of the project site.

Similarly, the DEIS fails to consider any alternative conditions on the ROWs that would require the project constructed without turbines which detrimentally affect the scenic character and environmental and human environment of the Searchlight desert and mountains surrounding the project site—by imposing conditions mandating the maximum number of turbines, the configuration of the turbines, requiring minimum setbacks, setting maximum turbine heights, or mandating different locations. In addition, although the idea of an eventual decommissioning of the turbines and transmission line is mentioned in passing (*see, e.g.* DEIS at xi), there is no evaluation of whether BLM should require a bond as a condition of a ROW grant to ensure that the project is, in fact, decommissioned, if it is ever approved and built.

Instead, the DEIS analyzes what boils down to only two alternatives: 1) construction of industrial-scale wind energy generation and transmission project with either 87 or 96 turbines within the project site or 2) no action. The two “action” alternatives are virtually identical with only a few megawatts of generation capacity separating them. Almost every discussion of effects

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Refer to Section 5.2.3-Coordination on the BBCS and Appendix B-4: Bird and Bat Conservation Strategy (formerly referred to as the Avian and Bat Protection Plan [ABPP]), which have been added to the EIS.

The project area is described in Section 1.3-Background and delineated in Figure 1.3-Proposed Project Area Map.

Noise and visual effects on land resources are discussed in Section 4.10-Noise Impacts and Section 4.9-Visual Impacts, respectively. Impacts to bighorn sheep and desert tortoise are discussed in Chapter 4.4.5-Special Status Wildlife Species. Section 4.4.4 Wildlife has been updated to include potential noise impacts to wildlife. Chapter 3.0-Affected Environment discusses the conditions beyond the proposed project area to include analysis of off-site and cumulative impacts discussed throughout Chapter 4.0-Environmental Consequences.

Potential impacts resulting from the proposed project and alternatives including the No Action alternative are analyzed in Chapter 4- Environmental Consequences. The BLM will require a bond for decommissioning of the project and this will be a stipulation of the ROW grant.

Comment noted.

concludes with the statement that “the type, intensity, and duration of the effects would be similar under either action alternative” or other acknowledgement that effects under both action alternatives would be “similar.” *E.g.*, DEIS at 4-31, 4-78. In addition, the DEIS discloses that, under the 87 turbine alternative, about “152 acres of native vegetation would be permanently removed, 8 acres *more* than under the 96 WTG Layout Alternative.” DEIS at 4-33 (emphasis added). No alternative is included that would minimize impacts to the environment, *i.e.* there is no “environmentally preferred” alternative in this DEIS.

Furthermore, it is clear that the two supposedly “distinct” action alternatives are a fiction generated solely as pretense for conducting a genuine alternatives analysis. BLM released the DEIS for public comment on January 20, 2012. 77 Fed. Reg. 2,999 (Jan. 20, 2012). Yet, in March 2011—10 months earlier—Duke already had filed with BLM its “Plan of Development (POD)—Revision 4.” BLM has this document, presumably, but a copy is enclosed on the CD-ROM. The Revised POD states that “[t]he *proposed* project consists of the construction of up to 87 2.3 megawatt (MW) wind turbine generators that will provide up to 200 MW of electricity.” Revised POD at 1-1 (emphasis added). Nowhere in the March 2011 Revised POD is there any reference to a 96-turbine “proposed action.” Nearly a year before BLM issued the DEIS, Duke already was proposing an 87-turbine project, with the same configuration that became the “preferred alternative” in the DEIS. *Compare* Revised POD at 1-5 with DEIS at 2-5. The 96-turbine “alternative” presented as the “proposed action” had ceased to be any such thing long before BLM issued the DEIS. This underscores that the alleged proposed action and the preferred alternative are indistinguishable.

Shockingly, BLM only lists two “other” alternatives, both generation alternatives, that purportedly were considered but not analyzed in detail—a 140-turbine layout, and a 161-turbine layout, on the same project site—and three alternative sites for the interconnection. DEIS at 2-7 to 2-12. This is despite receiving 41 comments regarding project alternatives during the public scoping process. DEIS at 5-2. BLM recognized that, during scoping, “[t]he topics receiving the most comments were biological resources, project alternatives, socioeconomic, and visual resources.” DEIS at xiii. BLM even notes in the Public Scoping Summary Report that “Project alternative suggestions (11 percent of total comments) were also relatively high. Sixty-six percent of comments in this category included suggestions on alternative locations, while 29 percent of comments included questions about other forms of renewable energy.” Scoping Summary Report at 3-4. Yet the scoping summary report includes only seven bullet points purporting to be representative of the 41 comments received on this issue. Scoping Summary Report at 3-6.

The options presented in the DEIS itself only advance the applicant’s goals, rather than the public’s interest, to the exclusion of other reasonable alternatives. The DEIS is fatally flawed in its failure to consider an adequate range of reasonable alternatives. *See Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 913 (9th Cir. 1999) (agency failed to consider an adequate range of alternatives when an EIS considered only a no action alternative along with two “virtually identical” action alternatives on the same lands).

The initial Plan of Development (POD) for the proposed project was submitted in January 2008 along with the right-of-way application. The POD is a living document that continues to be refined during BLM’s evaluation of the application. Development of the POD is an iterative process. As new information on project design, project alternatives, and/or or project constraints becomes known, the POD is revised. The POD revisions to reduce the original number of 161 turbines reflect formal and informal comments, along with engineering constraints.

Comment noted.

The BLM developed its purpose and need statement and considered a range of reasonable alternatives consistent with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instruction Memorandum 2011-059. The purpose and need statement appropriately integrates Congress’s goal that the Secretary of the Interior should seek to approve renewable energy projects on the public lands; direction from Secretarial Order 3285A1 (March 11, 2009, amended February 22, 2010), which establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior; and the BLM’s responsibility under FLPMA to manage the public lands for multiple use, taking into account the long-term needs of future generations for renewable and non-renewable resources. The two action alternatives satisfy the purpose and need in that they fulfill BLM’s obligation to consider the ROW applications under FLPMA and NEPA, and are consistent with other applicable federal mandates and renewable energy policies and goals. Though the BLM has considered Searchlight Wind Energy’s objective for the project, which is presented in Section 1.3-Background, Searchlight Wind Energy’s objective is not the BLM’s purpose and need for the project.

The DEIS does not consider imposing conditions that would require dramatically smaller, alternative configurations (with fewer wind turbines and/or in different locations) for the project sites. Rather, the DEIS seems to assume that the site must be built to at least a 200 MW capacity. *See, e.g.,* DEIS at xii, 1-6. There are no financial data or projections provided to support any claim that this threshold is anything but arbitrary, or that a minimum number of turbines must be built to be financially feasible. Please disclose and evaluate what the threshold number of turbines would be for this project to be financially feasible so that the public and the decisionmakers can understand and comment on whether such a project is justified when its major purpose appears to be generating revenues for a large utility rather than complying with BLM's management responsibilities for the public lands.

In addition, BLM must prepare and circulate for public comment a supplemental DEIS that considers the reasonable alternatives below, all of which were proposed to BLM in some form or other during the public scoping process and which BLM has heretofore ignored.

2. BLM must consider a distributed solar generation alternative.

BLM does not consider other potential renewable energy sources in the DEIS. A dismissal of renewable energy sources other than wind energy, such as solar power or distributed generation, does not comport with the agency's stated goal of acting consistently with their environmental and social responsibilities.

Duke Energy primarily produces electricity in the United States from coal-, natural gas-, oil-, and nuclear-fired power plants. It also has begun to diversify into renewable generation sources through investment in hydropower and the Davidson County Solar Farm in North Carolina; it also owns the largest solar energy "farm" in Texas. Over the past three years, Duke also has invested in one of the nation's first and largest distributed solar generation projects, investing over \$40 million to generate approximately 10 MW of electricity from distributed generation at over 19 micro-generation sites atop commercial and residential buildings. Duke Energy to Build 'Mini' Solar Power Plants, *Industry Week* (May 8, 2009) (<http://www.industryweek.com/articles/duke-energy-to-build-mini-solar-power-plants-19105.aspx?SectionID=25>); *see also* Exhibit 5 (page from Duke Energy website describing distributed generation project).

Duke is not a wind energy company, but it has expertise in the installation and operation of distributed solar generation technology. Las Vegas, Henderson, and Searchlight, Nevada are among the sunniest places in the United States, with Las Vegas experiencing over 85% clear skies per year. The Mojave Desert (which Las Vegas sits at the heart of) has the highest density of solar radiation in all of North America, *World's Sunniest Regions: Power Houses for Solar Technology*, *Renewable Power News* (Feb. 11, 2012) (<http://www.renewablepowernews.com/archives/2941>). Exhibit 6. The City of Las Vegas—not counting surrounding areas and not including other population centers in Clark County where platforms for distributed generation exist—covers 135 square miles, nearly five times the size of the project area of the Searchlight Wind Project. Given the poor economic conditions in Nevada and in the Las Vegas particularly over the past several years, the prospect of leasing roof space

BLM considered a reasonable range of alternatives consistent with NEPA and BLM policies and procedures. The two action alternatives satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW application, meet federal renewable energy mandates, and respond to impacts identified in the NEPA analysis. The Applicant has provided BLM with an economic determination that any project generating less than 200 MWs/and or less than 87 turbines is uneconomic due primarily to transmission line costs.

The BLM will not typically analyze an alternative for a different technology when a right-of-way application is submitted for a specific technology (e.g., evaluate a photovoltaic alternative for a concentrated solar power application) because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology.

for installation of solar panels for a distributed generation project would be welcome to many commercial and residential property owners. Indeed, Las Vegas already has over 10,000 KW of installed commercial solar photovoltaic generation at distributed sites with no reported problems. John Farrell, *The Political and Technical Advantages of Distributed Generation*, *Energy Self-Reliant States* (July 6, 2011) at 3, attached as Exhibit 7.

Given Duke's expertise in distributed solar generation, the nearly-perfect weather conditions for generating reliable electricity from solar power, the proximity of an enormous metropolitan area with ample space for installation of distributed solar power technology, and given the marginal winds at the Searchlight project site, BLM must evaluate a distributed solar generation alternative that would achieve Duke's objective of generating 200 MW of renewable power—and leaving inviolate the desert and mountains east of Searchlight. Such a project is feasible in the very same county in which Duke proposes to build the marginal wind facility.

Distributed solar generation is a reasonable alternative to the construction of this wind facility. The circumstances here present a unique opportunity for the BLM and the Secretary of the Interior to promote the shift of production of electricity from industrial-scale generation facilities located dozens or even hundreds of miles from where the energy would be used to distributed generation located where there needs to be no loss of energy due to long-distance transmission. By evaluating a distributed solar generation alternative, BLM has an opportunity to evaluate the true potential trade

3. BLM must consider a private lands alternative and a brownfields alternative.

The supplemental DEIS also should consider alternative locations for industrial-scale renewable energy generation that would produce the desired 200 MW other than the sites leased or proposed to be leased by Duke. Under NEPA, the EIS may even have to look at alternatives over which the applicant has no control. *NRDC v. Morton*, 458 F.2d 827, 835 (D.C. Cir. 1972); *Nat'l Wildlife Fed'n v. NMFS*, 235 F. Supp. 2d 1143 (W.D. Wash. 2002). It is irrelevant whether an applicant already owns alternative sites for the purposes of NEPA review: "The fact that this applicant does not now own an alternative site is only marginally relevant (if it is relevant at all) to whether feasible alternatives exist to the applicant's proposal." *Van Abbema v. Fornell*, 807 F.2d 633, 638 (7th Cir. 1986). As stated in the *Van Abbema* case, other alternatives for a project cannot be eliminated as non-feasible simply because the applicant does not now own or lease the site where an alternative location may exist. And, as the NEPA regulations clearly provide, the agency must "[i]nclude reasonable alternatives not within the jurisdiction" of the BLM. 40 C.F.R. § 1502.14(c).

The DEIS fails to consider whether alternative locations could provide comparable energy output with less damage to the human and natural environment. Thousands of wind turbines have been built throughout the nation—on public and private lands—in recent years which pose far fewer resource impacts than the Searchlight site. In addition, there are millions of

Wind Energy facilities must be located where wind resources are available and cannot be limited to "brownfield" sites. The BLM will not typically analyze a non-Federal land alternative for a right-of-way application on public lands because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for renewable energy development.

acres of contaminated lands—“brownfields”—in the United States.³ Serious potential exists for installing new renewable power generation and the associated transmission, such as that proposed in the Searchlight Wind Project, on such lands, either as large-scale projects or as distributed smaller-scale wind or solar generation installations.

The analysis of the alternatives to the project should assess the potential to relocate all or part of the project on already degraded or contaminated lands. Doing so will increase the net public benefits of the project, by reducing the amount of undeveloped public and private lands that are degraded. A supplemental DEIS should include an analysis of the relative benefits of siting the proposed energy generation on brownfields and other degraded lands, both public and private. The analysis should examine the net public benefits of siting on these lands relative to siting on undeveloped lands, especially undeveloped public lands which may be more important for the climate change mitigation properties, the provision of recreation opportunities, their role in local economies and their provision of passive use and other non-market values.

4. BLM must consider a lower tortoise density site alternative.

The DEIS improperly fails to address any alternative that would avoid or reduce impacts to the desert tortoise. It is increasingly difficult to find the sort of intact, high-quality desert tortoise habitat that can mitigate the effects of the over 6,350 MW of energy production projects already approved or pending in the species's habitat range. Therefore, avoiding impacts to high-quality, essential habitat and maintaining the largest possible areas of intact, high-quality habitat is critical to the survival and recovery of the desert tortoise. BLM's failure to provide baseline information about the tortoise and information about the cumulative effects on the tortoise from the current spate of energy development in its range has led the agency to not analyze any alternative that would avoid or reduce impacts to the tortoise. A valid EIS must address the impact of this project for the survival and recovery of desert tortoise in the Eastern Mojave Recovery Unit.

Due to the controversy associated with desert tortoise disturbance, BLM must consider an alternative away from the proposed project site and development on a site that would not have such an impact to the desert tortoise. Impacts to the (at least) 122 tortoise on the project site and in the surrounding critical habitat in the ACEC will be unacceptable for a species under so much other pressure in its range. Recent studies (detailed below) indicate that tortoise mortality from efforts to translocate tortoises off of a construction site can reach 50%. Studies of noise effects on wildlife also show that the project alternatives would harm tortoises in their critical habitat in the surrounding ACEC.

In addition, BLM must consider an alternative at the project site that complies with its obligations to minimize impacts to the desert tortoise. BLM should consider a turbine

BLM considered a range of reasonable alternatives consistent with NEPA and BLM policies and procedures. The two action alternatives satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW application, meet federal renewable energy mandates, and respond to impacts identified in the NEPA analysis.

³ Powerpoint: Land-Based Initiatives and Climate Change. SRA International. EPA Land Revitalization Staff Office. June, 2007. <http://www.authortstream.com/Presentation/Margherita-45877-NARUC-Pres-July-15-Land-Based-Initiatives-Climate-ChangeJune-2007-Opportunities-GHG-Education-ppt-powerpoint/>

configuration that moves all turbines at least one mile back from designated tortoise critical habitat to prevent turbine noise from adversely modifying critical habitat and taking tortoises outside the project site. This alternative also should eliminate turbines (and associated construction effects) from the areas of the project site where tortoises are concentrated, based on identification of live tortoises or carcasses during the field survey: turbines 12–26, 27–32, 60–67, and 74–78 in the 87 turbine configuration (DEIS at 2-5, Desert Tortoise Inventory Survey at 6). This alternative should be combined with conditions to protect remaining tortoise on the site during all phases of the project's construction and operation. This would result in a turbine configuration capable of generating approximately 50–60 MW of power, a very viable project that could be combined with other means—such as distributed solar generation—to achieve Duke's overall power generation goal while minimizing harm to the tortoise and the surrounding environment.

5. BLM must consider a conservation alternative.

No conservation alternatives were considered to eliminate the stated “need” for the 200–220 MW of installed capacity that the project would represent. Conservation alternatives, such as demand response technologies, also should have been included in order to meet BLM's goals of promoting their environmental and social responsibilities. The DEIS fails to comply with this requirement, because it fails to consider the possibility of delaying the development of wind energy until a later date, perhaps at a time when the energy grid will be more equipped to handle the addition of new wind energy sources.

The above alternatives were not considered at all because the applicants' “objective” of developing a 200-MW industrial wind energy generation facility dictated the results of this DEIS. The DEIS violates BLM's duties to consider all reasonable alternatives.

6. Additional comments regarding proposed project features.

In the process of evaluating additional reasonable alternatives, please also update the existing discussion of the 87- and 96-turbine alternatives to disclose and analyze the following issues, and discuss them in context of any additional alternatives that involve a smaller project alternative on the same site:

DEIS at 2-2 and 2-3: The DEIS states that it is not actually providing accurate information for the public to review because “exact locations of depicted proposed [turbines], roads, power lines, and other facility-related construction elements would vary based on environmental, engineering, meteorological, and/or permit requirements.” Thus the exact footprint of impacts for each turbine has not been determined yet. As a consequence of this imprecision, Duke and BLM have not yet conducted geotesting for each turbine, and it is not possible to assess how much blasting or grading will be needed for each turbine or how much concrete, water, or other materials will be needed for stabilizing the turbines.

This imprecision compromises the DEIS's discussion of alternatives, and the baseline assumptions of the NEPA analysis. Without accurate information about where turbines would be

BLM considered a range of reasonable alternatives consistent with NEPA and BLM policies and procedures. The two action alternatives satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW application, meet federal renewable energy mandates, and respond to impacts identified in the NEPA analysis.

Text in Section 2.1-Proposed Action and Alternatives has been revised to clarify that placement of project components could vary slightly; however, the acreage of disturbance and associated impacts have been disclosed to the best extent possible. Retaining some flexibility allows for a possible non-substantive shift in project facilities to avoid unanticipated engineering challenges or environmental considerations. For example, minor road alignment may occur in order to avoid a cultural resources site.

placed, the public is left having to guess and comment on a proposal that may not, in fact, reflect what is being proposed or what would be built. The description of locations is not sufficiently precise to allow the public to comment on what the developer is actually proposing, because the effects on the environment can be significantly different depending on whether the low or high range of turbines actually is developed, and which strings or turbine site locations may, or may not be, used.

DEIS at 2-14: Why do any of the roads have to be 36 feet wide? This is not explained. The existing paved Cottonwood Cove Road is only 24 feet wide. Please consider conditions that would limit the size of roads to the existing width of the principle road through the project site. Roads double that width would cause unnecessary destruction of even more land than necessary and do not satisfy BLM's obligation to minimize impacts and avoid unnecessary and undue degradation of the public lands.

DEIS at 2-15: Why are project features located so close to Cottonwood Cove Road? The substation and laydown area should be set back a greater distance from Cottonwood Cove Road. The road accesses a National Recreation Area and passes through an Area of Critical Environmental Concern; this is not an industrial park, and residents and tourists do not travel to Cottonwood Cove within the Lake Mead NRA to see industrial development.

DEIS at 2-17: The DEIS states that "[p]ortable water supplies" would be available at the building. Is this a typographical error, and should it be "potable water supplies"? If it is "portable," how large are the storage tanks? Where will the "portable" supply be replenished from?

Also, the laydown area immediately adjacent to Cottonwood Cove Road should not be permanent. Please clarify whether the project contemplates a permanent laydown area. If a permanent laydown area is contemplated, BLM should evaluate alternative locations. To minimize impacts, the laydown area should be southeast of Searchlight in the southern portion of the project site, near turbines 68 and 69 ("preferred alternative") and adjacent to the substation there described at DEIS 2-15. In addition, please explain why the laydown area needs to be so large?

DEIS at 2-18: BLM must provide a diagram or drawing that visually represents the sentence: "Equipment clearance would require a minimum inside radius of 148 feet at all turns ...". Does this mean that all turns in the roads would have a width of 148 feet? If so, BLM must disclose how the upgrades to the roads will look when completed. Also, how many turnouts with dimensions of 16' x 210' will be built? Was this area calculated into the acreage to be permanently altered (destroyed) by the project construction? Where will the "licensed offsite private source" of fill or road base be? How many miles will it be transported? Has the carbon dioxide and other greenhouse gas emissions resulting from many trips hauling the aggregate been calculated and incorporated into project documents? If not, BLM should disclose this figure as part of its overall calculation of the effects of this project on climate change.

Refer to Section 2.3.1-General Features of the Proposed Project, under the subheading Roads. Cottonwood cove road would not be widened.

Comment noted.

Typographical error corrected. Refer to Section 4.3-Water Resources Impacts for a description of how water would be delivered to the site and stored. Section 4.3-Water Resources Impacts has been revised to clarify that the Applicant will coordinate with the Las Vegas Valley Water District to support the water needs for the project. If sufficient resources are not available, the Applicant will procure water from local willing sellers.

As stated in the EIS in Section 2.3.2-Construction, the laydown area near the north substation might be permanent and could be used for extra storage and spare parts during the life of the project. Laydown areas need to be large enough to store components, allow for delivery traffic, and pre-assembly of WTGs and other components. Additionally, this is where the mobile concrete batch plant would be located.

Figures 2-1-96 WTG Layout Alternative, and 2-2-87 WTG Layout Alternative, illustrate the areas where existing roads would be widened and upgraded. The road widths would range between 16 and 36 feet and as described in Section 2.3.1-General Features of the Proposed Project. This section has been updated to explain turning radius (Refer to Figure 2.3-2. Turning Radius Example).

The licensed offsite private source has not been identified. For purposes of the analysis, it was assumed that the materials would be located within a 48-mile radius. Construction emissions include 96 mile round trip for trucks to haul required construction materials to the site. See Table 4.6-1. Criteria Air Pollution Emissions (Tons/Year) Over the 8 to 12 Month Proposed Project Construction Duration of the 96 WTG Alternative and Table 4.6-2. Criteria Air Pollutant Emissions (Tons/Year) During the Proposed Project O&M Duration of the 96 WTG Alternatives.

How will the area be “re-vegetated”? The DEIS provides no details of this proposed mitigation, and whether or not it would be effective. When disturbed areas along nearby route US 95 were “re-vegetated” after construction activity, fully ninety percent (90%) of the transplanted plants died. Please describe in detail what the proposed re-vegetation will involve, and whether or not it will actually result in a vegetated condition after construction that is similar to what currently exists.

DEIS at 2-21: Have any geotechnical investigations been done thus far? The possibility exists that the granitic bedrock may be too difficult to excavate or blast, and adequate foundations would be too costly to construct. BLM should disclose this information to evaluate whether the DEIS’s characterization of the impacts from construction is accurate.

DEIS at 2-25: What “existing private roads” would be used for transporting materials and equipment? Have the owners of the private roads been notified of Duke’s intention to use the private roads? How will people who own and use these roads be compensated?

DEIS at 2-27: Are BLM and Duke aware that the existing Cottonwood Cove Road, from the intersection with US 95 to the east end of the project, is only 24 feet wide? That road also is not designed for the weight of the loads anticipated with this project. Will the applicant widen and improve the road BEFORE construction begins, so the road can accommodate the large, heavy loads? This is not disclosed in the DEIS, and must be for the public to understand the potential impacts from the project. And, if so, does Duke plan to return the road to pre-construction width and design? Experience with construction of industrial wind energy projects across the country discloses that the weight of the trucks bearing the turbines and construction equipment can cause serious damage to rural roads. Exhibit 8. The gross weight of trucks carrying turbines and tower sections can be up to 232,000 lbs. *Id.* This likely far exceeds the designed capacities for the roads that would be used to develop the project. BLM should disclose the designed load capacity of Cottonwood Cove Road, US 95, and other roads that would be used to access the project site, and evaluate the extent to which damage to roads in the area will result from the project and who will bear those costs.

DEIS at 2-28: Where will the 250-300 vehicles used by the workmen be parked while they work?

DEIS at 2-28: The area presently has dark night skies. The construction of the turbines with flashing lights would destroy the rural environment. According to the DEIS, each turbine would have two lights, which flash day and night. That would be a total of 174 to 192 flashing lights in the previously dark sky. While the document states it is “anticipated” that not every turbine would be lighted, there is no guarantee that this would be the case. BLM must disclose accurately what the actual scope of lighting for the turbines will be.

DEIS at 2-29: Where is the waste disposal site or landfill that the refuse would be hauled to? Searchlight has one small drop station, which is inadequate for existing use, and would certainly not accommodate waste from a commercial operation. This could be a significant impact to the local community that is not addressed in the DEIS.

Judy Bundorf – Friends of Searchlight Desert and Mountains – Basin and Range Watch
Comments on Searchlight Wind Energy Project DEIS, April 2012

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MM-BIO-1 describes the interim rehabilitation (Table 2.6-2. Mitigation Measures). APM-10, Site Rehabilitation Plan and Site Decommissioning Plan would be developed 6 months prior to decommissioning.

No ground-disturbing geotechnical investigations have been completed to date. The EIS in Section 2.3.1- General Features of the Proposed Project, states that, “Prior to construction, geotechnical investigations would be conducted to determine the soil characteristics at each WTG location. These geotechnical data would assist the project proponent in the selection of the appropriate WTG foundation type.”

No existing private roads would be utilized and the EIS has been updated to reflect this.

Cottonwood Cove Road would not be widened. Figures 2-1-96 WTG Layout Alternative and 2-2-87 WTG Layout Alternative, illustrate the areas where existing roads would be widened and upgraded. Road widths would range between 16 and 36 feet. BLM disclosed that streets could receive wear from equipment and deliveries and has required a mitigation measure to address the effect, refer to MM TRAN-2: Repair Damaged Streets.

All project related activities, including parking, would be limited to the ROW. This would be a requirement in the ROD and/or ROW grant. Generally parking would be limited to the laydown and staging areas.

While the BLM does not have a Dark Sky Management policy, the BLM does recognize the importance of considering the dark sky environment. MM-VIS-5 has been updated to reflect that a lighting plan would be submitted and approved by the BLM and the basic elements that would be contained in that plan. The EIS discloses the maximum impact. The FAA will determine the actual requirements below that maximum impact.

If Searchlight cannot accept the volume of waste generated by the facility, the waste would be hauled off-site to a licensed waste management facility. Please refer to APM-8 and Section 4.15.14- Human Health and Safety. A Waste Management Plan would be a stipulation of the ROW grant.

DEIS at 2-30: The DEIS lists “Re-grading and re-vegetation” as part of Decommissioning. Desert plants require watering for a year after transplant. If the project is decommissioned, who will be responsible for the care of the vegetation for that year? Has a decommission plan been prepared? Please disclose how the applicant plans to carry out and pay for the decommissioning. Even if the project is no longer in use, and a candidate for decommissioning, what guarantee is there that this will this really happen? There is an abandoned wind project in Hawaii, and many abandoned, non-working turbines littering the landscape throughout California. How will BLM guarantee that the same thing won’t happen here? Who will pay for decommissioning?

Also, bird and bat fatalities supposedly will be monitored ... but what will happen if extreme numbers of both are killed? The bodies are counted, disposed of, and then what? Why not put in place avian radar to detect birds and bats and shut down the turbines? Better still, do more studies to determine if it is really feasible to build turbines where at a site where there large numbers of birds and bats present. It is also stated the mortalities will be monitored for three years. Then what? This is a project that has a 30 year life span. Monitoring for only three years will not do anything to address harm to birds and bats during 90% of the projected life of the project. Post-construction monitoring occurs too late to contribute to the decision whether to approve the project at all, and too late for the birds and bats harmed by the project.

The area of the proposed turbines is home to several dozen Turkey Vultures. Vultures are particularly vulnerable to “death by turbine” because of their flight patterns. The area is also home to both golden eagles and bald eagles. The USFWS requires “no net loss” of golden eagles, and wind projects in California and Oregon have been killing significant numbers of these protected birds. Knowing this, why would the applicant attempt to build an industrial wind energy generation facility in known vulture and eagle habitat? And why would BLM approve its application to do so?

DEIS at 2-31: How far from the Lake Mead NRA entrance station is the switching station? The 30-foot tall buswork would be very visible and disruptive to the viewshed for those people traveling to recreate at the NRA.

III. The Environmental Impacts Analysis in the DEIS is Seriously Deficient.

A. The DEIS fails to adequately disclose and evaluate the likely impacts of the project on natural resources.

The DEIS’s discussion of likely impacts to wildlife, both birds and mammals, is cursory, omits discussion of significant scientific information, and fails to evaluate adequately the significant harm which the generation and transmission project is likely to cause to wildlife. The DEIS’s discussion of impacts to desert tortoise that will result if BLM grants the requested ROWs is inadequate because it provides no information about mitigation. The DEIS similarly understates likely impacts to golden eagles and other avian species from project.

A reclamation plan is a condition of the bonding process and will be approved by the BLM.

Refer to Appendix B-4: Bird and Bat Conservation Strategy (BBCS) (formerly referred to as the Avian and Bat Protection Plan [ABPP]), which has been developed for the proposed project utilizing the recommendations within the USFWS’s March 2012 Land Based Wind Energy Guidelines and includes monitoring requirements and provisions for adaptive management measures based on mortality rates.

Comment noted.

Section 2.4.1-Western’s Interconnection Switching Station has been updated to disclose the proximity of the switching station to the NRA fee station. Additionally, Section 4.9-Visual Resources Impacts has been updated to include a visual simulation of the switching station.

Potential impacts to wildlife species are addressed throughout Sections 4.4-Biological Resources Impacts. Pursuant to Section 7 of the Endangered Species Act, BLM has complete consultation with the USFWS resulting in a Biological Opinion. Appendix B-2: USFWS Biological Opinion contains the required desert tortoise mitigation measures and a discussion of how such mitigation would be effective. A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution) on birds and the adaptive mitigation measures.

BLM must collect, evaluate, and disclose to the public accurate and complete information about the likely impacts to wildlife from the project. The DEIS in its current form does not do this.

1. The DEIS does not adequately address impacts to desert tortoise.

The DEIS fails to adequately evaluate impacts to the ESA-listed, threatened desert tortoise. During surveys of the project site, 122 tortoises were located within the project site. DEIS at 3-26. However, the maps (Figures 1 and 2 to the Desert Tortoise Inventory Survey) show that only a small fraction of the site was surveyed, indicating that far more tortoises likely make their home in the project area. In addition, the surveys only extended for 800 feet on either side of turbines, roads, transmission lines, and other project infrastructure. DEIS at 3-26. However, known effects of noise on wildlife stretch far beyond the survey “belts,” and noise and habitat fragmentation through avoidance of human structures, extend far beyond the survey belts and would affect tortoises within their designated critical habitat in the Piute-El Dorado ACEC which completely surrounds the project site.

The desert tortoise is listed as “threatened” under the federal Endangered Species Act (55 Fed. Reg. 12,178 (Apr. 2, 1990)), with critical habitat designated in 1994. 59 Fed. Reg. 5,820 (Feb. 8, 1994). The species is desperately in need of additional protections to stem population declines due to ongoing threats, particularly from the over-aggressive development of industrial-scale energy projects in its habitat. These issues should have been fully explored in the baseline discussion, but are not. The DEIS even ignores the current status of the species and does not explain the need for additional protective measures to ensure recovery.

a. The DEIS does not address the best available science and does not provide high-quality information about the tortoise.

The DEIS includes no information or analysis of the May 2011 Recovery Plan. The recovery plan discusses a variety of threats to the survival and recovery of the desert tortoise, including threats from the construction and energy generation activities proposed for the Searchlight Wind Project. The revised Recovery Plan describes that threats to the tortoise have increased since the original 1994 recovery plan, and that the tortoise has a low potential for recovery. Recovery Plan at vii. The vast majority of threats to the desert tortoise or its habitat are associated with human land uses. *Id.* Moderate downward fluctuations in adult survival rates can result in rapid population declines. *Id.* at viii. “Because desert tortoises occupy large home ranges, the long-term persistence of extensive, unfragmented habitats is essential for the survival of the species. The loss or degradation of these habitats to urbanization, habitat conversion from frequent wildfire, or other landscape-modifying activities place the desert tortoise at increased risk of extirpation.” *Id.*

The Recovery Plan illustrates that the project site, although a “keyhole” within a broad area of designated critical habitat, contains a concentration of high potential habitat equal to or greater than many areas designated as critical habitat. Recovery Plan at 12. The fact that 122 tortoises were located on the project site within the narrow survey belts, indicating a population of 8.2 tortoises per square kilometer, underscore the importance of the lands within the project

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

Refer to Section 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives for an updated discussion on impacts to desert tortoise. BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

Comment noted. Data on the desert tortoise includes site-specific surveys in accordance with USFWS protocol.

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

site as a stronghold for tortoises. DEIS at 3-26, Desert Tortoise Inventory Survey at 4.6. The density of 8.2 tortoises per square kilometer is one and a half times the average density identified for the Eastern Mojave Recovery Unit during surveys in 2007, and higher than the average density of any survey in the last decade in all but two of the other recovery units, Recovery Plan at 9. Despite the high-quality tortoise habitat, BLM has to date failed to adequately protect the area. The on-the-ground habitat has not changed for the desert tortoise on the project site, even as threats throughout the species's range have exploded.

Although not designated as critical habitat for the desert tortoise, the Recovery Plan illustrates that the area within the "keyhole" inside the ACEC where the project would be built is entirely "high potential" habitat for the tortoise. Recovery Plan at 50. The USFWS recognizes that lands outside of designated critical habitat "play an important role in the tortoise's conservation. These lands are also important to providing nesting, foraging, sheltering, dispersal, and/or gene flow habitat for tortoises." 59 Fed. Reg. at 5,825. The project area also is an important area for connectivity of habitat between parts of the critical habitat in the ACEC on all sides of the project site. Construction of the Searchlight Wind Project would place a barrier that covers nearly half of the width of designated critical habitat along the eastern side of the Eastern Mojave Recovery Unit. Recovery Plan at 42. In this area, critical habitat (except for the Searchlight "keyhole" and one other small excluded area in eastern California) is co-extensive with the highest potential habitat. *Id.*

The project would also reduce connectivity between the Eastern Mojave Recovery Unit and the Northeastern Mojave Recovery Unit, which would fragment and isolate these desert tortoise conservation areas, cutting off gene flow, and causing potential long-term harm to the tortoise's potential for survival and recovery. *Id.* at 16, 42. The importance of this area to the tortoise's survival and recovery are substantiated by the relative density of the animals on the project site, and the DEIS misses the opportunity to re-evaluate the site for its importance and potential contributions to desert tortoise recovery efforts.

Instead, the DEIS minimizes the importance of this area for tortoise recovery, saying nothing about the project site's high quality tortoise habitat. It says nothing about how the tortoise density at the site compares with other areas in the tortoise's range. DEIS at 3-26. The DEIS does note that Western's interconnect facility would be located in tortoise critical habitat. DEIS at 3-50 to 3-51. But it does not mention that a portion of the transmission line also would be located in the ACEC in designated critical habitat. *See* DEIS at 3-53 (Figure 3.8-3). And the figure that the DEIS references for the proposition that the ACEC is managed to protect critical habitat, DEIS at 3-51, does not, in fact, show the location of tortoise critical habitat. DEIS at 3-52 (Figure 3.8-2). The DEIS contains no discussion of the potential for the project's facilities and off-site noise and visual effects to destroy or adversely modify desert tortoise critical habitat. DEIS at 4-30 to 4-32.

The DEIS also does not acknowledge the overwhelming impact that energy development is currently having on the tortoise's chance of survival and recovery. BLM must recognize and evaluate the full extent of current threats from energy development and place the project's

I
mpacts to desert tortoise are discussed in 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives. BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

Very little of the proposed project site would be fenced; therefore, tortoise connectivity would remain relatively intact. Connectivity and other risks to desert tortoise are discussed in the EIS in 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives.

Figure 3.8-2 has been modified to illustrate the Paiute-Eldorado ACEC. Text in Section 3.8.2.4-Special Designations has been updated to reflect that a portion of the transmission line would be within the ACEC. Section 4.10.2-Direct and Indirect Effects by Alternative and Section 4.4.5.2 Desert Tortoise – Direct and Indirect Impacts by Alternatives have been updated to include potential noise impacts to tortoise and wildlife.

impacts on the tortoise (and the decision whether or not to grant the ROWs for the project) in the context of those threats. According to the May 2011 Recovery Plan,

As of November 2010, six solar projects in California and one in Nevada were approved on public lands within the range of the desert tortoise, constituting 3,037.5 megawatts (MW) on 9,683 hectares (23,926 acres) and 430 MW on 3,173 hectares (7,840 acres), respectively. Three additional solar projects on private lands in California have been approved totaling 1,063 MW on 1,686 hectares (4,165 acres). Seven solar projects on public lands were still pending, totaling 1,450 MW on 4,314 hectares (10,659 acres) in California and 900 MW on 6,955 hectares (17,186 acres) in Nevada. Three wind projects within the range of the desert tortoise were also pending, totaling 536.5 MW on 11,775 hectares (29,096 acres) of public and private rights-of-way; one of the California projects is proposed within designated critical habitat. No applications have been submitted for solar or wind projects on public lands within the range of the Mojave population of the desert tortoise in Arizona or Utah. Dozens of project sites have been proposed, and the Bureau of Land Management has committed to excluding these projects from designated critical habitat for the desert tortoise and Desert Wildlife Management Areas. However, potential long-term effects of large-scale energy development fragmenting or isolating desert tortoise conservation areas and cutting off gene flow between these areas have not been evaluated.

Recovery Plan at 16. Over 6,350 MW of energy production has been approved or is pending on public lands in the desert tortoise's range. Should this project be added to that pressure? BLM and the Secretary can only make a rational decision on the question if they provide the appropriate baseline information and analysis of the current condition and threats to the species.

It also is likely that the site survey and previous studies of energy development impacts to tortoises are understating the actual number of tortoises that will be affected by this project and similar projects throughout tortoise habitat. For example, at the BrightSource Energy Solar project in the nearby Ivanpah Valley, more than *ten times as many* tortoises have been located on that project's site during construction compared with the number identified during site surveys. Exhibit 9. The first survey of the BrightSource Ivanpah site found only 16 tortoises, and the USFWS issued a take permit allowing relocation of 38 tortoises and the accidental killing of up to three tortoises during three years of construction. *Id.* However, a total of 166 adult and juvenile tortoises have been collected and moved from the Ivanpah site. *Id.* By contrast, 122 tortoises were identified at the Searchlight site during the field survey, indicating that far more tortoises likely are present. BLM must disclose the inadequacy of the pre-construction survey at the BrightSource project and independently evaluate whether the field survey at Searchlight similarly misstates the likely impact of the Searchlight project on tortoises.

In addition, BLM does not evaluate the potential effects of blasting that will be necessary during construction on tortoises, but rather only discusses "grading" impacts. DEIS at 4-30. Elsewhere, however, BLM acknowledges that blasting is likely to be necessary for constructing

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion). The Biological Opinion includes a "take" limit. If the take limit is exceeded, the BLM would need to reconsult with USFWS.

Section 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives has been updated to include a discussion of blasting effects on tortoise. Also refer to Section 4.4.5.3-Mitigation, which has been updated to include mitigation for tortoise during blasting activities.

access road, setting turbine foundations, and setting transmission towers. DEIS at 2-25, 4-82. As discussed below in the section on geology, it is certain that blasting *will* be required. How will the noise and shock effects of blasting affect this threatened species, both within the project area and in the adjacent designated critical habitat in the ACEC?

b. The DEIS does not address noise impacts to tortoise.

A more general deficiency of the DEIS is that it does not evaluate at all the potential of noise impacts to tortoises within the project site and in the adjacent critical habitat in the ACEC. This includes no discussion of construction noise or noise from operation of the turbines. There will certainly be noise spillover into the critical habitat, as shown by the noise contour maps in the document. DEIS at 4-86, 4-89. As described below in Section III.L, the geology of the site makes it certain that construction will involve considerable blasting, and not merely the “grading” which BLM refers to throughout the DEIS. However, these noise effects are not disclosed in the sections related to desert tortoise. BLM must evaluate the effects of blasting and the noise effects from operation of the turbines on the desert tortoise which remain on the project site as well as those in the critical habitat adjacent to the project site.

The original USFWS 1994 Recovery Plan cited noise and vibration as having potentially significant effects on the desert tortoise’s behavior, communication, and hearing apparatus:

*Anthropogenic noise has several potential impacts on desert tortoises, including disruption of communication and damage to the auditory system. Background noise has been shown to mask vocal signals essential for individual survival and reproductive success in other animals (e.g., bushcrickets, *Conocephalus brevipennis*, Bailey and Morris 1986; green treefrogs, *Hyla cinerea*, Ehret and Gerhardt 1980). Desert tortoises are known to have hierarchical social interactions (Brattstrom 1974), are capable of hearing (Adrian et al. 1938; Patterson, 1971, 1976), and communicate vocally (Campbell and Evans 1967; Patterson, 1971, 1976). Desert tortoises use eleven different classes of vocalizations in a variety of social encounters (Patterson 1971, 1976). The signals are relatively low in amplitude, have fundamental frequencies as low as 0.2 kHz or lower, and harmonics as high as 4.5 kHz (Patterson 1976). Many human-induced sources of noises, such as automobiles, jets, and trains, cover a wide frequency bandwidth. When such sounds propagate through the environment, the high frequencies rapidly attenuate, but the low frequencies may travel great distances (Lyon, 1973). The dominant frequencies that remain after propagation correspond closely to the frequency band width characteristic of desert tortoise vocalizations. The masking effect of these sounds may significantly alter an individual’s ability to effectively communicate or respond in appropriate ways. The same holds true for incidental sounds made by approaching predators; masking of these sounds may reduce a desert tortoise’s ability to avoid capture by a predator. The degree to which masking affects desert tortoise survival and reproduction probably depends on the physical characteristics (i.e., frequency, amplitude, and short- and long-term timing) of the noise and the animal signal, the propagation characteristics of the sounds in the particular environment, the*

Section 4.4.4-Wildlife and Section 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives have been updated to include potential noise impacts to wildlife and tortoise.

auditory acuities of desert tortoises, and importance of the signal in mediating social or predator interactions.

Loud noises (and associated vibrations) may damage the hearing apparatus of desert tortoises. Sources of noise and vibration include, but are not limited to: cars, trucks, and other vehicles on paved highways, dirt roads, and test tracks; trains; recreation vehicles traveling on or off road; terrestrial military vehicles; commercial and military aircraft; equipment associated with exploration for and development of hard-rock minerals and saleable and leasable minerals; explosions from military ordnance; air to ground bombing or release of missiles; mining; road construction; and nuclear tests. Little research has been performed on desert tortoise ears, but it is clear that they are able to hear, and the relatively complex vocal repertoires demonstrated by desert tortoises suggests that their hearing acuity is similarly complex. Brattstrom and Bondello (1983) experimentally demonstrated that ORV noise can reduce hearing thresholds of Mojave fringe-toed lizards (Uma scoparia). Relatively short bursts (500 sec) of loud sounds (95 decibels at 5 meters) caused hearing damage to seven test lizards. Comparable results were obtained when desert iguanas (Dipsosaurus dorsalis) were exposed to 1 to 10 hours of motorcycle noise (Brattstrom and Bondello 1983). Repeated or continuous exposure to damaging noises is likely to cause an even greater reduction in auditory response of these lizards. It is not unreasonable to expect loud noises to similarly impact the auditory performance of desert tortoises.

Ground vibrations can cause desert tortoises to emerge from their burrows; slapping the ground several times within a few feet of a desert tortoise burrow entrance will often cause a desert tortoise to emerge (C. Peterson, pers. comm., and others). Research is needed to determine what kinds of vibrations and noise cause a desert tortoise to emerge from its burrow.

1994 Tortoise Recovery Plan at D38-39 (emphasis added). The May 2011 Recovery Plan notes that little additional data has been collected on noise and vibration effects. Recovery Plan at 154.

The sorts of noises that can harm tortoises' ability to communicate, interact, avoid predators, and which are likely to damage tortoises' hearing are precisely the intense noises from blasting and construction and the low humming noise from whirring turbine blades that will be a perennial component of the environment if the project is approved.

Noise impacts to wildlife have been widely studied. The National Park Service's Natural Sounds Program has published a bibliography of noise impacts on wildlife that includes more than 150 publications. National Park Service Natural Sounds Program, *Annotated Bibliography, Noise Impacts on Wildlife* (Aug. 2011) (available at http://www.nature.nps.gov/naturalsounds/pdf_docs/wildlifebiblio_Aug2011.pdf and on the enclosed CD-ROM as "Wildlife Noise Bibliography Aug 2011"). BLM should review the literature and consult with the National Park Service and USFSW, and then disclose and evaluate the impacts of noise from construction and operation of the project on tortoises.

Noise from the construction and operation of industrial-scale wind energy projects is likely to significantly affect desert tortoises within the project site and in the surrounding critical habitat. USFWS has described that “[t]urbine blades at normal operating speeds can generate significant levels of noise” and that “it is possible that effects to sensitive species may be occurring at ≥ 1 mile from the center of a wind facility at periods of peak sound production.” U.S. Fish & Wildlife Service, *The Effects of Noise on Wildlife*, at 1 (available at <http://www.fws.gov/windenergy/docs/Noise.pdf> and enclosed on the CD-ROM). Furthermore, “[n]oise does not have to be loud to have negative effects.” *Id.* FWS expressly draws a connection between studies of traffic noise and the noise generated by wind turbines, noting that because “wind-generated noise including blade turbine noise produces a fairly persistent, low frequency sound similar to that generated by traffic noise . . . it is plausible that wildlife effects from these two sound sources could be similar.” *Id.* at 2 (citation omitted).

The USFWS states that “noise impacts to wildlife should clearly be included as a factor in wind turbine siting, construction and operation.” *Id.* at 1. Some of the key issues to be addressed are:

- 1) how wind facilities affect background noise levels;
- 2) how and what fragmentation, including acoustical fragmentation, occurs especially to species sensitive to habitat fragmentation;
- 3) comparison of turbine noise levels at lower valley sites – where it may be quieter – to turbines placed on ridge lines above rolling terrain where significant topographic sound shadowing can occur having the potential to significantly elevate sound levels above ambient conditions; and
- 4) correction and accounting of a 15 decibel (dB) underestimate from daytime wind turbine noise readings used to estimate nighttime turbine noise levels (e.g. van den Berg 2004, J. Barber Colorado State Univ. and National Park Service pers. comm., K. Fristrap National Park Service pers. comm.).

Id. USFWS’s direction to thoroughly evaluate the potential noise impacts of proposed wind energy projects is unambiguous:

Given the mounting evidence regarding the negative impacts of noise—specifically low frequency levels of noise such as those created by wind turbines on birds, bats and other wildlife, it is important to take precautionary measures to ensure that noise impacts at wind facilities are thoroughly investigated prior to development. Noise impacts to wildlife *must* be considered during the landscape site evaluation and construction processes.

Id. at 3 (emphasis added).

This USFWS information illustrates that the DEIS is deficient in failing to account for a variety of impacts of noise, including the likely greater effects of noise at nighttime that are not reflected in any discussion in the DEIS. As USFWS reports, studies have shown that “[t]urbine blades at normal operating speeds can generate significant levels of noise.” *Id.* at 1. The USFWS’s model determined peak sound production as “[a]t a distance 300 ft from the blades, 45-50 dBA were detected; at 2,000 ft, 40 dBA; and at 1 mi, 30-35 dBA (Kaliski 2009).” The USFWS’s model used a larger spacing (1,000 feet) between turbines than the project would use (750 feet, DEIS 2-2), making it likely that the noise effects from the project would be even greater than the USFWS’s figures. As the DEIS shows, turbines would be located close to the perimeter of the project site on the north, northeast, east, southeast, south, and southwest sides of the project such that constant noise of at least 35 dBA would spill about a mile into tortoise critical habitat on all sides of the project. DEIS at 4-86, 4-89. At least a dozen turbines would be located within 750 feet of desert tortoise critical habitat in the ACEC, and several dozen turbines would be located within 2,500 feet of the ACEC boundary. Tortoise in the ACEC would be adversely affected by noise from the Searchlight project.

USFWS points out that “[w]ind turbine noise results in a high infrasound component (Sall and Hullar 2010). Infrasound is inaudible to the human ear but this unheard sound can cause human annoyance, sensitivity, disturbance, and disorientation.” *The Effects of Noise on Wildlife* at 1. These effects may be more profound on birds, bats, and other wildlife. This is because “[n]oise from traffic, wind and operating turbine blades produce low frequency sounds (< 1-2 kHz; Dooling 2002, Lohr et al. 2003). Bird vocalizations are generally within the 2-5 kHz frequency range (Dooling and Popper 2007) and birds hear best between 1-5 kHz (Dooling 2002).” *Id.* at 1 (emphasis added).

As noted in the 1994 tortoise Recovery Plan, desert tortoises (like birds) rely extensively on vocal communications, using eleven different classes of vocalization in social encounters. 1994 tortoise Recovery Plan at D38. Tortoise vocalizations are low in amplitude (from 0.2 kHz to 4.5 kHz)—in the same range as birds, and in the same low frequency range that is produced by wind turbine operation. These low frequency-range sounds travel longer distances than higher frequency sounds, and therefore are likely to adversely affect wildlife at a greater distance from the turbines. 1994 tortoise Recovery Plan at D38.

It is well-documented that industrial-scale energy projects affect avian species—which have communication and hearing ranges similar to tortoises—far beyond the immediate boundaries of development sites. “In addition to direct collision threats, concerns began to be raised in the late 1990s about wind plants disturbing and fragmenting habitats and disrupting birds.” Manville, Albert, *Development and Application of USFWS Guidelines for Siting, Construction, Operation and Monitoring of Wind Turbines*, Wind Energy & Bird/Bats Workshop Proceedings at 86 (Sept. 2004) (on the enclosed CD-ROM). For example, in a pioneering 2004 study of the effects of industrial wind energy development on prairie grouse, FWS recommended that wind energy projects be sited at least five miles from prairie grouse leks, which are the central focus of grouse habitat. U.S. Fish & Wildlife Service, *Briefing Paper—Prairie Grouse Leks and Wind Turbines: U.S. Fish and Wildlife Service Justification for a 5-Mile Buffer from Leks; Additional Grassland Songbird Recommendations* (July 30, 2004) (available at

<http://www.environment.ok.gov/documents/OKWindEnergy/PrairieGrouseLeksWindTurbines.pdf> and enclosed on CD-ROM). The possibility of effects on wildlife up to five miles from turbine sites means that noise impacts extending into the ACEC on all sides could effectively cut-off the northern portion of the designated critical habitat in the Piute Valley from the southern portion, resulting in the destruction and modification of tortoise critical habitat.

USFWS's survey shows "that varying sources and levels noise can affect both the sending and receiving of important acoustic signaling and sounds. This also can cause behavioral modifications in certain species of birds and bats such as decreased foraging and mating success and overall avoidance of noisy areas. The inaudible frequencies of sound may also have negative impacts to wildlife." *The Effects of Noise on Wildlife* at 3. In addition, even small noise increases may have dramatic effects on the ability of tortoises to communicate: for example, "a noise increase of just 3 dB – a noise level identified as 'just perceptible to humans' – this increase corresponded to a 50% loss of listening area for wildlife." *Id.* at 2. "Other data suggest noise increases of 3 dB to 10 dB correspond to 30% to 90% reductions in alerting distances for wildlife, respectively." *Id.* at 2–3. Thus USFWS concludes that "[i]mpacts of noise could thus be putting species at risk by impairing signaling and listening capabilities necessary for successful communication and survival."

Despite the documented effects of noise on wildlife, and longstanding USFWS concerns about noise impacts to tortoises, the DEIS contains no information about likely impacts from the noise of turbines, blasting, and other construction and operation activities.

Sensitive species such as desert tortoises are vulnerable to regional extirpation as the effects of climate change degrade their habitat. Recovery Plan at 18–19. Drought in particular is a serious threat to tortoise survival. The DEIS fails to address how development of the project will exacerbate climate change-related impacts to desert tortoises by fragmenting habitat and adding additional stress. This area of southern Nevada has experienced below-normal rainfall levels in the last two years. Please provide information about the current climatic conditions in the project area and evaluate how this will affect the tortoises when combined with the effects of construction and operation of the project.

c. BLM must prepare a supplemental DEIS that adequately discloses the biological assessment and properly evaluates mitigation measures.

BLM must prepare a supplemental DEIS that properly discloses the likely environmental impacts to desert tortoises. According to the DEIS, Duke and Western already have prepared a biological assessment to assess the effects of the project on the ESA-listed tortoise. DEIS 1-15. First, this violates the BLM's duty to prepare a biological assessment for any proposed action that may adversely affect a listed species. 16 U.S.C. § 1536(c)(1); 50 C.F.R. § 402.12(a). BLM must independently prepare its biological assessment to comply with the ESA, not rely on a document produced by the project proponents, and disclose this information as part of its NEPA process for public comment. See 40 C.F.R. § 1506.5; see also *Utahns for Better Transp. v. Department of Transp.*, 305 F.3d 1152, 1165 (10th Cir. 2002) (citing 40 C.F.R. § 1506.5(a)).

A third party independent contractor under direction of the BLM prepared the Biological Assessment. The BLM reviewed and approved the Biological Assessment prior to submission to the USFWS. BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

Second, BLM's failure to include the biological assessment in the DEIS violates NEPA. The discussion of effects on the threatened tortoise are cursory at best and omits any information about *how* the proposed mitigation (which amounts to little more than a promise to implement an as-yet-not-prepared biological opinion) will avoid the significant impacts from construction and operation of the project on the tortoise. DEIS 4-30 to 4-32. NEPA requires an agency to include the material in the biological assessment directly in the text of the DEIS. 40 C.F.R. § 1502.1; *Pac. Rivers Council v. U.S. Forest Serv.*, 668 F.3d 609, 628 (9th Cir. 2012). "This is not a mere formality. The purpose of an EIS is to inform decision makers and the general public of the environmental consequences of a proposed federal action. That purpose would be defeated if a critical part of the analysis could be omitted from an EIS and its appendices." *Pac. Rivers*, 668 F.3d at 628. The DEIS contains no analysis of the manner or degree to which any of the proposed alternatives may affect desert tortoises. *Id.*

The public literally has no information in the DEIS on which to base comments regarding the specific impacts of this specific project on the tortoise or how BLM proposes to avoid or mitigate those impacts. There is no information about what mitigation is proposed, only a listing of possible measures that "may" be included. DEIS at 2-43 to 2-44. What are the terms and conditions that BLM *will* apply to mitigate the harm from this project?

NEPA regulations require that BLM discuss possible mitigation measures as a means to "mitigate adverse environmental impacts." 40 C.F.R. § 1502.16(h). An adequate discussion of mitigation measures requires the agency to analyze the effectiveness of the proposed mitigation. *S. Fork Band Council of W. Shoshone v. U.S. Dep't of Interior*, 588 F.3d 718, 727 (9th Cir. 2009). This allows the court to determine "whether they constitute an adequate buffer against the negative impacts that may result from the authorized activity." *Nat'l Parks & Conservation Ass'n v. Babbitt*, 241 F.3d 722, 734 (9th Cir. 2001). To comply with NEPA, mitigation measures proposed in an EIS "must be developed to a reasonable degree. A perfunctory description, or 'mere listing' of mitigation measures, without supporting analytical data" is insufficient. *Id.* (quoting *Idaho Sporting Cong.*, 137 F.3d at 1151).

Part of the potential "mitigation" for harm from construction and operation of the project involves relocation (or translocation) of desert tortoises. However, recent studies of effects of handling and translocating tortoises show that such activities kill tortoises at a rate much higher than previously thought. At an August 25, 2011 hearing before the California Energy Commission considering the application for the Calico Solar Project, Dr. Kristin Berry, a leading desert tortoise biologist from the U.S. Geological Survey's Western Ecological Research Center, testified that in a recent study at the Fort Irwin solar project, 49% of tortoises transplanted had died over a 3-year period. Transcript, August 25, 2011 Evidentiary Hearing Before the California Energy Resources Conservation and Development Commission, at 80 (enclosed on CD-ROM). During 2011 alone, 11.6% of the relocated tortoises had died—compared to 2.5% and zero percent mortality at two control sites where no relocation had occurred. *Id.* Mortality among resident tortoises on the recipient site also may have a high mortality rate due to competition from translocated tortoises, and even the process of handling tortoises for blood testing will result in tortoise mortality. Without considering and disclosing the effects of its proposed mitigation, BLM cannot determine whether or not the mitigation will be effective.

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Impacts to desert tortoise are discussed in 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives. BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

Appendix B-2: USFWS Biological Opinion contains the required desert tortoise mitigation measures. Section 4.4.5.3-Mitigation has been updated to reflect these requirements. This mitigation measures would be a stipulation of the ROW grant.

A discussion of all mitigation measures is included in the EIS. BLM requires that mitigation measures be implemented as a stipulation of the ROW Grant. Development of mitigation plans often requires input, review, and approval by other regulating agencies such as USFWS, NDEP, DAQ, and NDOT. As such these plans are not typically completed prior to a Final EIS. However, all the elements and basic requirements of the mitigation plans are discussed throughout the EIS. Additionally, a number of mitigation plans have been completed and are included as follows Appendix B-1: Weed Management Plan, Appendix B-2: USFWS Biological Opinion, Appendix B-3: Terrestrial Wildlife Plan, and Appendix B-4: Bird and Bat Conservation Strategy.

This impact is described in 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives. Pursuant to Section 7 of the Endangered Species Act, BLM has complete consultation with the USFWS resulting in a Biological Opinion. Appendix B-2: USFWS Biological Opinion contains the required desert tortoise mitigation measures and a discussion of how such mitigation would be effective. Section 4.4.5.3-Mitigation has been updated to reflect these requirements.

At an earlier hearing, Tracy Moore, a biologist for California Department of Fish and Game, described that her Department had asked the California Energy Commission to use Dr. Berry's 50% mortality figure from translocation in its evaluations of potential impacts from energy projects on tortoises. Transcript, August 18, 2011 Evidentiary Hearing Before the California Energy Resources Conservation and Development Commission, at 268 (enclosed on CD-ROM). BLM does not evaluate the likely mortality from handling and translocating tortoises in its discussion of "mitigation" to the project.

The proposed mitigation (DEIS at 2-43 to 2-44) would be inadequate to protect tortoises, even aside from the mortality that would result from relocation. For Desert tortoise protection, temporary exclusion fence should be placed around the perimeter of each work area as construction is underway, such as turbine pads and access roads. A Biological monitor should be present at all seasons in case tortoises are uncovered in the ground. After construction of each area is completed, the tortoise exclusion fence can be removed.

Thirty miles of new roads will be constructed. Some of the roads will be 36 feet wide to accommodate cranes and other heavy machinery. This will remove and fragment the habitat. As mitigation, BLM proposes a 15 MPH speed limit, but does not indicate how this will be enforced during the 30 year lifespan of the project. BLM is not clear if these new roads will be open to the public. Will all roads in the area have the same speed limit? Generally, the BLM law enforcement rangers cover a large number of square miles per person.

In addition, wind turbines are manufactured with rare Earth elements. Exhibit 10. Turbine failures are common, and may result in blades flying off and traveling over 4,200 feet. *Id.* at 3. This could expose tortoises in the ACEC to heavy metals or toxic chemicals, which have been linked to a shell disease (cutaneous dyskeratosis) that weakens turtle shells and is associated with high tortoise mortality. Jacobson *et al.*, Cutaneous Dyskeratosis in Free-Ranging Desert Tortoises, *Gopherus agassizii*, in the Colorado Desert of Southern California. Journal of Zoo and Wildlife Medicine, Vol. 25, No. 1, Reptile and Amphibian Issue (Mar., 1994): 68-81 (enclosed on CD-ROM). Please evaluate potential impacts of toxic chemicals and heavy metals from turbines and their potential health impact to tortoises on the project site and in the surrounding critical habitat.

BLM must disclose and evaluate the science contained in the May 2011 Recovery Plan, and explain how it applies to the desert tortoise at the project site and which depend on the surrounding critical habitat within the Piute-El Dorado Valley ACEC which the project would affect. Based on the scientific consensus regarding the perilous state of the tortoise, and the overwhelming threats from energy development throughout its habitat, BLM cannot authorize construction of an industrial-scale wind energy project in high potential habitat where there is documented evidence of a very high density of tortoises. The DEIS needs to fully explore the magnitude and extent of impacts on desert tortoise, including effects from noise, visual effects, fragmentation of habitat, and the dangers of translocation. As a species listed under the Endangered Species Act, BLM has a duty to protect this species and its habitat, and approve projects only if they will insure the survival and recovery of the affected species. As it stands, the DEIS's analysis of the effects of the project on tortoises is cursory and incomplete.

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion). Section 4.4.5.3-Mitigation and other relevant sections have been updated to reflect these requirements.

Comment noted.

Refer to section 4.14-Health and Human Safety Impacts, which states "any release would be cleaned up thereby, limiting or preventing any potential exposure to people or wildlife."

Impacts to desert tortoise are discussed in 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives. BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

2. The DEIS does not adequately address impacts to avian populations including golden eagles, bald eagles, and other birds.

a. Impacts to golden eagles and bald eagles.

The DEIS makes no effort whatever to describe quantitatively the likely impact to golden eagles, bald eagles, other raptors, and other avian species. DEIS at 4-35 to 4-36. The DEIS does not explain why it is not possible to do so. This violates the BLM's obligation under NEPA to provide high-quality information and do more than provide a generalized description of possible effects. Without some idea of what the likely effects of the project are in terms of bird mortality, it is impossible to evaluate whether mitigation would be effective. But the DEIS also provides that the Avian and Bat Protection Plan ("ABPP") will be developed in the future to define thresholds of adverse effects and provide mitigation for thresholds that are exceeded. But, again, NEPA requires that this mitigation information be provided in the DEIS itself to allow for meaningful public review and democratic decision making. The ABPP must be developed *now*, and its terms disclosed to the public as part of a supplemental DEIS. What are the thresholds? What actions will be triggered by passing the thresholds? What mitigation measures will be available? Will those measures be effective?

It is certain that the operation of the Searchlight Wind Project will kill golden eagles, bald eagles, and other species protected by the Migratory Bird Treaty Act ("MBTA"). Avian surveys have documented golden eagles, six other species of raptor, and 57 species of non-raptor birds within the project site. DEIS at 3-29 to 3-31. However, the DEIS makes no attempt to quantify the likely mortality, or describe how that mortality could be minimized or avoided, rendering the document useless from a NEPA standpoint.

Avian mortality through collisions with the rotor blades on wind turbines is a chief impact that industrial-scale wind energy generation facilities have on the environment. Long-term studies on the effects of industrial scale wind projects are rare and there are a number of cases in the American West of large-scale wind projects causing harm to raptor populations and other migratory birds. The DEIS fails to adequately evaluate impacts to migratory birds, and impacts/impediments on migratory flyways, even though the DEIS recognizes that the area sits within the Pacific Flyway, an important migratory route. DEIS at 3-29. Due the magnitude of potential impacts on the avian populations, additional avian studies are needed to identify more specifically migratory flyways for seasonal migrants that use the project area and could come into contact with the turbine blades. Of all species in this area, the avian species have the largest range—spatially limited studies offer little assurance the impacts will be as isolated as they are described in the DEIS. The existing avian study is missing quantitative study of avian and bat migratory movements—much of the information and assessment of impacts is based on limited observation and conjecture, and on an unreasonably narrow point count methodology. These studies should be completed and added into a supplemental DEIS so that the public can review new information before it appears in a final EIS.

Impacts to raptors and non-raptors are discussed in Section 4.4.5.11-Migratory Birds - Direct and Indirect Effects by Alternative. A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution) on birds and the adaptive mitigation measures.

Avian fatalities (for non eagles) were not estimated because pre-construction data poorly predicts fatalities for birds (Ferrer et al. 2012). The purpose of the NEPA document is to disclose potential impacts so that the decision-makers can make an informed Record of Decision. Appendix B-4: Bird and Bat Conservation Strategy (BBCS) (formerly referred to as the Avian and Bat Protection Plan [ABPP]) has been developed for the proposed project utilizing the recommendations within the USFWS's March 2012 Land Based Wind Energy Guidelines, which includes a risk assessment and adaptive management measures. At the time baseline surveys were completed for the project, Nevada had no official policy or protocols for avian pre-project surveys so protocols were developed between BLM and NDOW. The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution) on birds. The intention is not to predict the number of fatalities due to turbine collision as pre-construction data poorly predicts fatalities for birds (Ferrer et al. 2012), but to determine if any species is at high risk to inform post-construction fatality monitoring.

Renewable Energy (Sept. 30, 2011). BLM has not disclosed the result of the coordination process with USFWS required by IM 2010-156 or that it has conducted the necessary cumulative effects analysis of impacts to golden eagles. Please disclose how BLM intends to comply with this guidance.

The DEIS improperly minimizes its discussion of the likely effects on golden eagles. For example, the DEIS does not provide any information or evidence to support its statement that “[when compared to raptor use data at other wind energy facilities, raptor use at the Proposed Project site was relatively low. Additionally, no golden eagle nests were located within 4 miles of the Proposed Project area. The level of raptor use in the Proposed Project area suggests that raptor mortality is anticipated to be low.” DEIS at 4-36. But at the same time, the DEIS claims that “it is not possible to quantify effects on bats and birds based on pre-project surveys.” *Id.* This is nonsense. BLM has routinely provided quantitative estimates of the likely number of golden eagles, other raptors, and bats that are likely to die as a result of the operation of a wind energy facility. *See, e.g.*, Exhibit 11 (pages from BLM’s North Steens Transmission Final EIS with estimates of likely bird and bat mortality from the associated Echanis generation site). At the referenced Echanis generation site, a 104-MW production project on Steens Mountain in Oregon, BLM was evaluating a project half the size of the Searchlight Wind Project that—similar to Searchlight—had one eagle nest relatively close to the turbine site (2.5 miles at Steens, 4.3 miles at Searchlight) with other potential nests within the 10-mile USFWS survey perimeter. BLM in Oregon was able to perform a calculation predicting annual golden eagle mortality of 1.7 eagles per year, which BLM then translated into take of about 0 to 3 golden eagles per year from the generation facility. *Id.* at 10 (page 3.5-47).

BLM in this DEIS provides no high quality data about likely effects, provides no evidence to support its claims of “low” raptor use in the project area, provides no evidence supporting its claim that “raptor mortality is anticipated to be low” and provides no explanation for how it can reach the previous conclusion when it “is not possible to quantify effects on bats and birds.” In short, BLM’s explanation regarding the likely effect of the project on golden eagles contradicts itself, and is in clear violation of NEPA.

BLM also shamefully ignores the most recent information about the growing awareness that industrial-scale wind energy facilities are killing significant numbers of golden eagles. The DEIS does not mention this at all, and the 2007-2009 Avian Survey says “although golden eagles have been found during mortality searches at wind facilities, most notably at Altamont Pass in California, low mean use and encounter rates are suggestive of low risk of fatality” without providing any information about the prevalence of eagle kills, mortality rates, or the probability of kills at other facilities or explanation comparing this project to others. In fact, the USFWS has documented at least 54 golden eagles killed by wind energy generation projects *outside of* Altamont Pass. Exhibit 12 at 1 (February 2012 American Bird Conservancy (“ABC”) comments on West Butte Wind BGEPA take permit). Please evaluate the information provided in the ABC’s comments (Exhibit 12) regarding the first-ever programmatic golden eagle take permit in considering the potential lethal effects of the Searchlight Wind Project on golden eagles. ABC has also expressed concern about eight golden eagle kills at California’s Pine Tree wind project over the past two years. Exhibit 13.

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BLM included sufficient discussion in the DEIS to inform the public regarding potential impacts to avian species in Section 4.4.5.11- Migratory Birds - Direct and Indirect Effects by Alternative and the strategy that would be employed to mitigate those impacts.

Avian fatalities (for non eagle) were not estimated because pre-construction data poorly predicts fatalities for birds (Ferrer et al. 2012). Appendix B-4: Bird and Bat Conservation Strategy (BBCS) (formerly referred to as the Avian and Bat Protection Plan [ABPP]) has been developed for the proposed project utilizing the recommendations within the USFWS’s March 2012 Land Based Wind Energy Guidelines, which includes a risk assessment and adaptive management measures.

BLM should pay particular attention to the situation at the Pine Tree wind project. BLM was the federal lead agency on the environmental assessment for the Pine Tree project; a copy of the Environmental Assessment/Final Environmental Impact Report for Pine Tree ("Pine Tree FEIR") is enclosed on the CD-ROM. This project was thought to be "low risk" for golden eagles. *See* Exhibit 13. The avian surveys at Pine Tree confirmed that golden eagles were observed on the site, but that no golden eagle nest was found on site. Pine Tree FEIR at 2-58. Like the DEIS here, the EA/FEIR downplayed potential harm to golden eagles, nonchalantly stating that the birds "are distributed throughout the Tehachapi Mountains and Southern California. Thus, there is no local population, which by definition would require that the birds be almost completely isolated (for breeding/genetic purposes) from other populations. The loss of a golden eagle would not jeopardize the species or extirpate them from the general or local area," Pine Tree FEIR at 2-77. The avian report for Pine Tree describes that "raptor and vulture use at Pine Tree was approximately 50% lower than the average use found at other active or proposed developments, approximately 40% lower than the average at Tehachapi WRA, and approximately 90% lower than that observed at Altamont Pass WRA." Pine Tree FEIR, Fall Avian Report, at 2.

Comment noted.

In all of these respects, including the supposedly lower usage by raptors compared with unspecified "other" projects, BLM's assessment of likely impacts to golden eagles at Pine Tree mirrors the DEIS's assessment at Searchlight. Yet eight eagles have died from turbine strikes at Pine Tree in the last two years. Can BLM explain how it got Pine Tree's assessment so very wrong, and why the same rate of eagle deaths—or at least more than "we don't know"—will occur at the Searchlight Wind Project?

Comment noted.

The DEIS fails to explain how it will mitigate the loss of a substantial amount of foraging habitat for the golden eagles that currently use the project site, either as a result of this project, or cumulatively as a result of the other energy projects in this region. The fact still remains that significant amounts of foraging habitat will decrease carrying capacity of the landscape and could result in a potential loss of habitat needed to support a nesting pair, which would impact reproductive capacity.

As discussed in the EIS, the Proposed Project would result in the loss of some foraging habitat for the golden eagle; however, the proportion of foraging habitat that would be lost due to the Proposed Project is small compared to the total amount of available foraging habitat within the Piute and Eldorado Valleys.

Contrary to the "impossible to calculate" number of eagles, raptor and other bird deaths forecast in the DEIS, large-scale wind projects have been documented to kill up to 900 birds per year, and up to 350 raptors per year. For example, a two-year survey of the Altamont Pass wind power site in California, which is being aggressively managed to reduce raptor kills, reported over 1,800 bird kills (705 raptors killed, along with 1,095 non-raptors). Exhibit 14 at 1, 15 (excerpts; full study enclosed on CD-ROM). Despite efforts to mitigate harm to birds by, for example, a two-month shutdown during low wind season,

For a variety of reasons Altamont fatality numbers may be an outlier with regard to golden eagle fatalities at wind energy facilities. In addition to the dense configuration of older-generation turbines, high prey densities and lack of breeding eagles possibly attract sub-adults and floaters to the Altamont, contributing to the high activity and high fatality rates. In addition, the limited amount of repowering that has occurred at Altamont suggests that eagle (and raptor) fatality rates will decline as the older turbines are replaced by fewer, taller, and higher power-rated turbines. Initial results of the repowering suggest that golden eagle fatality rates could decline by more than 80% with complete turbine replacement and comparable power output (Insignia 2009; Smallwood and Karas 2009; ICF 2011).

[t]he results of this study show an apparent continued trend of high bird fatalities, both raptors and non-raptors at APWRA. The number of annual fatalities does not appear to be decreasing despite implementation of specific conservation measures including the cross-over winter shutdown program, high risk turbine removal and blade-painting.

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Id. at 16; *see also* US Fish & Wildlife Service presentation on “Wind Power and Birds” (on enclosed CD-ROM) (noting that it is impossible to mitigate bird kills under the Migratory Bird Treaty Act).

The DEIS’s evaluation of potential impacts to golden eagles in the cumulative effects section is inadequate. Besides not quantifying potential cumulative effects on golden eagles, the DEIS includes no information on potential cumulative impacts. DEIS at 4-131, even though an actually-acknowledged cumulative impact is a transmission line. *Id.* Transmission lines are known to cause to eagle mortality. There is no discussion of potential cumulative impacts from other wind projects proposed in the same region, despite evidence from Altamont Pass and other wind projects that these industrial facilities kill a significant number of eagles. BLM must disclose actual data showing the number of golden eagles which have been killed by wind generation and transmission projects throughout the West this year and in recent years. Again, this is an example of the cumulative effects analysis failing to quantify and detail likely impacts from cumulative and connected actions in violation of NEPA.

BLM’s (actually Duke’s consultant’s) survey methodology was flawed. The consultant did one helicopter nest survey in April 2011. USFWS survey protocols to detect eagles are being updated, and the agencies are requesting more data to be able to evaluate mortality potential. April is too late in the season to detect eagle territories, USFWS is recommending March helicopter surveys (USFWS Joel Pagels January 7, 2012 workshop with California Energy Commission for Rio Mesa Solar Electric Generating Facility). Golden eagles will return to nest sites some years, then not use the nest in other years. The purpose of such surveys is to see if eagles are in their territories, they do not nest every year but will occupy a territory. A nest may look empty but eagles may still be using the area. Breeding is based on prey availability. A quick snapshot of nests during a brief helicopter flight will not provide enough data. At least two surveys are needed, and one would be lucky to get enough data even then. Surveyors need to be completely qualified.

In addition, non-breeding surveys should be carried out to look for resident adults, “floaters,” and juveniles. How many eagles are present in the Searchlight area? Ground surveys are needed as well, to detect floater individuals waiting to take over a territory. These individuals may even kill an adult to take over its territory. Ground surveys can find the juvenile eagles which are often missed by helicopter surveys. USFWS recommends at least 2–3 years of surveys to detect non-breeding eagles. To detect presence of eagles, “Long Sit” surveys should be done, where observers remain in one spot for 1–4 hours (up to 8 hours) and scan with binoculars for eagles.

Neither the DEIS nor the applicant’s consultant’s avian survey describe the potential effects on bald eagles. However, Bald eagles have a stronghold wintering population and turbines would be constructed within seven miles of their winter habitat. While bald eagles are not recognized for being as nomadic as golden eagles, there is no mention in the DEIS as to what risks there would be to eagles arriving and departing the region for the winter. The last Lake Mead Bald Eagle count turned up more bald eagles than ever. Observers counted 177 and found

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The geographic boundaries of the cumulative impacts analysis identified in the comment are described in the EIS in Section 4.17.5-Potential Cumulative Impacts. The geographical boundaries should not be extended to the point that the analysis becomes unwieldy and useless for decision-making. In many cases, the analysis should use an ecological region boundary that focuses on the natural units that constitute the resources of concern. For the purposes of eagle analyses no other projects were identified within the area of cumulative effect.

The decision as to whether an eagle take permit is requested is between the USFWS and Searchlight Wind Energy, LLC. If these parties determine that an eagle take permit for the project would be applied for; the USFWS would consider the cumulative effects of issuing such a permit.

At the time baseline surveys were completed for the project, Nevada had no official policy or protocols for avian pre-project surveys so protocols were developed between BLM and NDOW. In summary, two years of point count surveys were conducted, two spring seasons of raptor nest surveys, one season of bald eagle winter use surveys, and two aerial surveys of raptor nests.

The data collected in the project area does not reflect the high eagle used that has been recorded at Lake Mead. This is understandable as Lake Mead would be considered an attractant, providing a food source (i.e. fish) for eagle consumption. The proposed project area does not contain such an attractant as reflected by the lower observations of eagles.

a first-ever produced offspring. Bald Eagle Monitoring Final Report 2010-2011 at 1 (available at http://basinandrangewatch.org/Bald_Eagle_Monitoring_Final_Report_2010_2011-1.pdf and enclosed on the CD-ROM). The concentration of bald eagles spotted at the north end of Lake Mohave during the January 11, 2010 eagle count is within approximately six or seven miles of the project site. Bald Eagle Monitoring Final Report 2010-2011 at 7. BLM must disclose and evaluate the potential impact of the project site on bald eagles.

b. Impacts to other avian species.

BLM should confer with USFWS and must independently evaluate the statements regarding the impossibility of predicting bird kills by the project and disclose information regarding avian deaths from wind turbines at *all* wind projects that have reported data, and evaluate which sites are more like, or less like, the Searchlight site. Simply dismissing contrary scientific data without analysis violates NEPA. The agencies must also obtain and disclose data and analysis of likely raptor and other bird deaths from collisions with the proposed turbines at the project site.

BLM and USFWS should evaluate the attached comments of Dr. Shawn Smallwood related to the Whistling Ridge Wind project in Skamania County, Washington, a 75 MW project. Exhibit 15. As these comments demonstrate, preconstruction predictions of bird fatalities are often far lower than the actual estimated kills after a wind project begins operations. Exhibit 15 at 1–2. Dr. Smallwood extrapolated from avian kill monitoring at 23 wind sites in Oregon, California and Washington that the average annual fatalities for a project with 75 MW rated capacity would be 33 raptor fatalities, 422 total bird fatalities, and 86 bat fatalities. Exhibit 15 at 16. Again extrapolating this to the 200 MW rated capacity of the project, granting the ROW would result in 88 raptor deaths per year, 1,125 total bird deaths per year, and 229 bat deaths per year.

Dr. Smallwood's studies demonstrate that the potential for raptor, other bird, and bat deaths *can* be quantified and estimated—it *is* "possible," contrary to the assertion in the DEIS. DEIS at 4-35. In fact, BLM has done so at other proposed industrial wind energy development sites. *See, e.g.,* Exhibit 11 (estimating bird deaths at proposed 104 MW wind power generation site in Oregon). And the fact that 57 species EIS at exceeds the estimates provided in the DEIS.

Particularly given the finding that 72.7% of raptors *sighted on the project site itself* flew within the area that would be swept by the turbines' enormous rotor blades, significant kill of birds and bats is likely to occur at the Searchlight project. Even granting that fewer birds might use this site than other wind sites, the DEIS's disclosure and analysis of these effects is inadequate.

BLM should also consider that many of the methodological deficiencies in the Whistling Ridge surveys which Dr. Smallwood describes are present in the avian studies for the Searchlight project. Exhibit 15 at 3-9. BLM must fully disclose the methodology used to estimate likely bird kills in the supplemental DEIS and explain whether it conforms to best science as described in Dr. Smallwood's comments.

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A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution) on birds and the adaptive mitigation measures. The intention is not to predict the number of fatalities due to turbine collision as pre-construction data poorly predicts fatalities for birds (Ferrer et al. 2012), but to determine if any species is at high risk to inform post-construction fatality monitoring.

The DEIS also fails to ensure compliance with the Migratory Bird Treaty Act ("MBTA"). Many of the species that have been identified at the project site are protected under this Act, but the DEIS does not demonstrate that operation of the project will comply with the Act. The MBTA requires that the USFWS enforce the MBTA against "any person, association, partnership, or corporation" that "by any means or in any manner," pursues, hunts, takes, captures, kills or attempts to take, capture or kill a migratory bird or any part, nest or eggs of any migratory bird. 16 U.S.C. §§ 703, 707. Under the MBTA, a person may take or kill migratory birds only as permitted under USFWS regulations and based on the USFWS's determination that the take or kill is compatible with the migratory bird treaties. *Id.* §§ 703, 704. The USFWS's determination must take into account scientific factors such as species abundance and distribution, migratory patterns, and breeding habits, as well as the economic value of birds. *Id.* § 704. The killing of a single migratory bird is sufficient to create criminal liability. *United States v. Corbin Farm Serv.*, 444 F. Supp. 510 (E.D. Cal), *aff'd*, 578 F.2d 259 (9th Cir. 1978). The killing of a migratory bird does not need to be intentional and the killing can occur "by any means or in any manner." *United States v. Moon Lake Electric Ass'n, Inc.*, 45 F. Supp. 2d 1070, 1075-79 (D. Col. 1999) (upholding the prosecution of a utility for unintentionally electrocuting and killing seventeen birds).

Burrowing owls, a sensitive species, are present at the project site. DEIS at 3-31. The DEIS provides no information quantifying likely impacts (except reiterating how impossible it is to make any predictions), but says that any impacts will be mitigated through a mitigation plan that has not yet been developed. This violates NEPA. The DEIS presents essentially no information whatever about the baseline conditions of burrowing owls in the area or their status as a species. BLM should independently evaluate the site for burrowing owls, using the latest scientific protocol, which is in the California Department of Fish and Game's March 2012 staff report on burrowing owl mitigation, enclosed on the CD-ROM and available at www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf.

In addition, BLM must independently evaluate the potential that pelicans and other waterfowl using the Pacific Flyway and nearby Lake Mohave will be killed by the project's turbines. Pelicans and other waterfowl have been spotted over the project site by local residents. While this may not be recognized migratory water fowl route, neither the DEIS nor the Tetra Tech biology reports even mention it.

Finally, the avian survey supporting the DEIS is methodologically flawed and are inappropriate and ineffectual for answering the core questions of how many birds use the Searchlight site and what potential impacts to these species will be. For example, the survey efforts appear to only disclose a general presence/absence survey of birds. *See, e.g.*, DEIS at 3-29 to 3-32. It is not clear how this survey's results will contribute towards critical decision making since the protocols are not designed to convincingly deduce species' "absence" and therefore remove them from concern. Avian surveys were conducted during the day, or shortly after sunset, when in fact a large portion of avian mortality from industrial wind facilities is inflicted

No permitting framework exists that allows a company to protect itself from liability resulting from take at wind facilities; however, the USFWS does not usually take action under the MBTA if good faith efforts have been made to minimize impacts. Appendix B-4: Bird and Bat Conservation Strategy (BBCS) (formerly referred to as the Avian and Bat Protection Plan [ABPP]) has been developed for the proposed project utilizing the recommendations within the USFWS's March 2012 Land Based Wind Energy Guidelines including a risk assessment and adaptive management measures.

MM-BIO-6 specifies that Burrowing Owl Mitigation would follow USFWS Guidelines Protecting Burrowing Owls at Construction Sites in Nevada's Mojave Desert Region, which has been specifically developed for Nevada projects.

During bird surveys, no pelicans or other waterfowl were detected in the project area.

At the time baseline surveys were completed for the project, Nevada had no official policy or protocols for avian pre-project surveys so protocols were developed between BLM and NDOW. Little evidence exists to suggest that the southwest and the area near the Searchlight wind project in the Mojave Desert are areas of high use migrant songbirds. However, migrant songbirds breed in the vicinity and likely travel through the area to reach the breeding grounds. Little data exists that correlate migrant passage rate with mortality at wind farms, but results to date indicate mortality is low (Erickson 2007).

on nocturnally migrating species (NRC 2007).⁴ Quantification of the use of the site by nocturnally migrating species requires specialized equipment and surveys not described in the CEP's reports, such as multi-year radar studies. 60% of all flying animal mortality at wind turbine sites are bats, not birds (Baerwald *et al.* 2008).⁵ The detection rate of bats also is likely to be underreported because of the lack of nighttime surveys.

3. The DEIS does not adequately address impacts to desert bighorn sheep.

Bighorn sheep need large expanses of land to roam for seasonal migrations to and from important winter range. Impediments to movement of these animals, such as an industrial-scale wind energy facility, will likely have negative impacts on big game populations that travel through the project area to reach other necessary areas of habitat. Desert bighorn sheep are present on the project site, and the site contains over 6,000 acres of bighorn sheep habitat of which 416 acres have slopes greater than 60% suitable for escape terrain. DEIS at 3-33. Bighorn sheep numbers in the nearby Newberry and Eldorado mountains have increased in recent years. *Id.* The DEIS recognizes that a Nevada Department of Wildlife management unit overlaps with the project area, and that the project area is part of the movement corridor linking the Newberry and Eldorado mountains. *Id.* The DEIS even recognizes that new structures, roads and human presence are barriers to bighorn sheep movement. *Id.* at 4-37. Then the DEIS dismisses potential impacts in less than half a page, stating without any support that "project effects are anticipated to be minimal" because "the project would only occupy a small portion of the available migratory corridor between these mountain ranges leaving some connectivity." *Id.* Significantly, the DEIS contains no map or other information that would allow the public and the decision maker to evaluate or comment meaningfully on the extent of the impact that the project will have on bighorn movement in the area.

Nowhere does BLM provide information regarding its conclusions that the occupied portion of the corridor is "small," nor what "some connectivity" means, nor how it arrived at the conclusion that blocking connectivity between two groups of sheep and fragmenting their habitat with noisy wind turbines will have "minimal" effect. The DEIS does not satisfy BLM's obligations to disclose and evaluate impacts under NEPA nor BLM's obligations to minimize harm to sensitive species in its own Manual. A supplemental DEIS should re-evaluate the impacts to habitat and the possible impacts to season migration or movement corridors for these species. Significant impacts from energy projects to bighorn sheep movement among occupied areas and to opportunities to recolonize vacant habitat have been recognized at other energy development sites, including in California's Cady Mountains at the Calico Solar Project. *See* Transcript of August 5, 2010 Evidentiary Hearing Before the Cal. Energy Resources

⁴National Research Council, Committee on Environmental Impacts of Wind Energy Projects. 2007. The Environmental Impacts of Wind Energy Projects. National Academies Press, Washington D.C. This is included on the enclosed CD-ROM.

⁵Baerwald, E. F., G. H. D'Amours, B. J. Klugand, R. M. R. Barclay. 2008. Barotrauma is a significant cause of bat fatalities at wind turbines. *Current Biology*, 16:695-696. This document is included on the enclosed CD-ROM.

EIS includes the available information provided by Nevada Department of Wildlife. Additionally, a map of potential habitat based on vegetation and topography was included in the EIS. Appendix B-3: Terrestrial Wildlife Plan has been prepared for the project and includes a risk assessment and mitigation measures for bighorn sheep.

Conservation & Development Comm. at 300–16 (Testimony of Dr. Vernon Bleitch), enclosed on CD-ROM as “2010-08-05 Transcript – CEC”). The bighorn sheep in the Cady Mountains, like those in the area of the Searchlight project, move among different habitat areas in surrounding mountain ranges in search of forage and water resources. *Id.* at 302, 305. A project site that impedes such movement disrupts the metapopulation in the area and results in fragmentation of bighorn sheep habitat, and will result in serious impacts to bighorn sheep. *Id.* at 307–14. Please evaluate Dr. Bleitch’s testimony and assess how the impacts describe are, or are not, present for the Searchlight site.

The DEIS states that *if* Bighorn sheep are impacted by the operation of the facility, mitigation measures *may* be needed. DEIS at 4-37. But the DEIS already has established that mitigation *is* needed. The Terrestrial Wildlife Plan has not been created yet—this situation should be studied now and the bighorn herd movements researched with a telemetry study before construction blocks or disturbs movement corridors through the area. This information should be disclosed in a supplemental DEIS. What mitigation measures would be enacted in the future? Would the operating turbine facility be moved, or shut down? Again BLM has failed to comply with NEPA by disclosing no information about mitigation or its potential efficacy.

Construction of the Searchlight Wind Project would fragment crucial lower elevation foraging areas for bighorn sheep, as well as fragmenting and blocking the migration routes from the Newberry to the Eldorado mountains. BLM and the applicant have not evaluated how noise from blasting, other construction, and operation of the turbines (described in the section on desert tortoise, above) will affect bighorn sheep movement, nor delineated the area of potential impact. BLM has not identified whether particular areas on or surrounding the project site are of particular importance to bighorn sheep as lambing areas, and therefore has no baseline from which to evaluate the impacts of the project on bighorn sheep movement in this area. Because these data and subsequent analysis are lacking for this sensitive species, the DEIS fails to comply with NEPA.

It is well-documented that human disturbance in bighorn sheep habitat disrupts bighorn sheep and contributes to population decline. *See, e.g.,* Kathryn A. Schoenecker and Paul R. Krausman, Human Disturbance in Bighorn Sheep Habitat (enclosed on CD-ROM); Papouchis *et al.* 2001, Responses of Desert Bighorn Sheep to Increased Human Recreation, *The Journal of Wildlife Management* 65(3): 573-582 (enclosed on CD-ROM). The DEIS does not consider these effects, or the likelihood that installation of an industrial-scale wind energy project with more than eight miles of transmission line will have even greater impacts than a few hikers with dogs. Wildlife impacts from noise, including from wind power projects, are well documented. In addition, several other energy projects are being developed in the region in bighorn sheep habitat; BLM must disclose and evaluate the cumulative impact of these projects on this species.

Migratory big game species like bighorn sheep serve an important stabilizing function in ecosystems, acting as keystone species (Kie & Lehmkuhl, 2001) (on the enclosed CD-ROM). The halting or change in movements can have a destabilizing effect on vegetative communities and species interactions, even on otherwise intact ecological systems such as largely unroaded areas (Kie & Lehmkuhl, 2001). Maintaining secure winter range is necessary for migrating and

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Appendix B-3: Terrestrial Wildlife Plan has been prepared for the project and includes a risk assessment and mitigation measures for bighorn sheep.

The EIS includes the available information provided by Nevada Department of Wildlife. Additionally, a map of potential habitat based on vegetation and topography was included in the EIS.

Potential impacts to bighorn sheep are addressed in Section 4.4.5.14-Game - Direct and Indirect Effects by Alternative. Potential noise impacts to wildlife are addressed in Section 4.4.4-Wildlife. Appendix B-3: Terrestrial Wildlife Plan has been prepared for the project and includes a risk assessment and mitigation measures for bighorn sheep.

The proposed project would permanently remove only 152 acres of wildlife habitat, which is less than 1% of the habitat in the project ROW area (18, 949 acres of BLM-managed land).

resident populations of big game species to thrive in the area. Here, the project would obliterate 503 acres of bighorn sheep winter range.

A big game monitoring study completed by Western Ecosystems Technology Inc. (WEST) at Horizon's Elkhorn Valley Wind Project in northeastern Oregon (a 100.65 MW project) evaluated the impacts of wind energy on big game (Jeffery et al., *Elkhorn Valley Wind Project, Union County, Oregon, Big Game Monitoring Study Report*, January 2010 (on the enclosed CD-ROM)). In a letter to the project manager for the proposed Antelope Ridge Wind Project (300 MW) near the Elkhorn project, the Oregon Department of Fish & Wildlife said that the statistics in the WEST study indicated that, "elk and deer were located further from wind turbines and associated activities in winter 2008 and 2009 compared to the baseline of 2004 and 2005 prior to initiation of construction." See Exhibit 16, ODFW letter to Valerie Franklin, Project Manager, Antelope Ridge Wind Farm, May 31, 2010. Please use this information regarding effects of industrial-scale wind energy on big game species to assess the potential impacts to bighorn sheep from the Searchlight Wind Project. This should include more study into the use of big game in the area by conducting flight surveys.

The DEIS provides no support or evidence for any of its conclusory statements about the likelihood of effects of the project on bighorn sheep. For example, the DEIS states that impacts would be "minimal." DEIS at 4-37. This statement is unsupported by any study, and contrasts with evidence (such as the study at the Elkhorn Valley Wind Project, above) that big game do avoid transmission lines and turbines and therefore will be driven and impeded from their current habitat in the Searchlight Hills and surrounding mountains by the proposed project.

4. The DEIS does not adequately address impacts to bats and other sensitive species.

Bats

The DEIS did not adequately describe the threats to bats from the project. Once again, without any scientific or evidentiary basis, BLM provides only a general statement of possible effects, a note that mitigation (in the form of the ABPP) will be developed at some future point, and states that the number of bats that could be injured or killed "cannot be estimated." DEIS at 4-34. But BLM *has* estimated likely bat fatalities at the Echanis wind energy generation site in Oregon, estimating that "the 40 to 69 turbines at the Echanis Project site would cause from 28 to 235 bat deaths per year." Exhibit 11 at 1-2 (pages 3.5-22 to 3.5-23). The same number of species of bats (14) was identified in the Echanis project area as are present at Searchlight. DEIS at 3-28. A similar number of these species are BLM sensitive species. What is so deficient about the BLM in Nevada that it cannot provide an estimate for bat deaths at a 200 MW wind project when its counterpart in Oregon has no difficulty doing so for a 104 MW generation site? What is so deficient in the operation of BLM's Southern Nevada District that it cannot provide an estimate for bat deaths from the Searchlight Wind Project when BLM's Ely District had no difficulty estimating that 192 bats per year would be killed by the Spring Valley Wind Project? Exhibit 17. Please explain whether there any reason that the Southern Nevada District is not capable of conducting and disclosing high quality information about likely effects to bats?

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In accordance with 40 CFR 1502.2 Environmental Impact Statements shall be analytic rather than encyclopedic. Potential impacts to bighorn sheep are addressed in Section 4.4.5.14-Game - Direct and Indirect Effects by Alternative., and identify that the proposed project may cause bighorn sheep to avoid the area. Appendix B-3: Terrestrial Wildlife Plan has been prepared for the project and includes a risk assessment and mitigation measures for bighorn sheep.

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution, barotrauma) on bats.

The wide estimation range presented in the citation (28-235 bat deaths per year) exemplifies the difficulty in predicting mortality and providing meaningful information to decision-makers.

The DEIS does not comply with NEPA or BLM's obligations to minimize harm to sensitive species. The DEIS dramatically understates the potential harm to bats, including sensitive species bats, from the project. Bats are prone to many of the same threats as avian species. There are significant and growing concerns about impacts of wind turbines on bats. Bats have low reproduction rates and high mortality rates from collisions with turbines or transmission lines could result population declines.⁶

Studies have documented that some wind facilities kill thousands of bats each year.⁷ However, research on bat mortality is limited and concerns about bats grew as researchers began to discover high numbers of bats during avian mortality surveys for birds by wind energy facilities. The level of bat mortality now occurring at existing wind installations around the country raises questions about the long-term population viability of those bat species most vulnerable to wind turbines, to the point that some bat scientists and advocates are considering whether they warrant listing under the federal Endangered Species Act. The prospect of significant population declines, even extirpation, for several or most species of bats, is possible. These long-lived animals, with low reproductive rates, are notoriously vulnerable to mortality setbacks. Bat populations are already under stress from a variety of threats, including habitat loss, pollution, and possibly climate change.

The bat species at highest risk from wind energy development are long-distance latitudinal migrants, which may be present during the fall migration season when bat kills at wind facilities typically peak.⁸ The studies done for these sites fall short and more research is needed to understand the amount of migrants going through the area around the Echanis, East Ridge, and West Ridge sites. With the increasing number of wind facilities, wind turbine heights have also increased. Recent research indicates that taller turbines pose a greater threat to bats than shorter turbines.⁹ The wind turbines preliminarily planned for the generation sites are over 400 feet high, from base to rotor tip, presenting an unusually high risk for bat mortality. Recent research has revealed that at least some bats killed at wind facilities are dying not because of collisions with turbine towers or blades, but because of sudden drops in barometric pressure. In other words, as bats approach moving turbine blades, they experience something like a sudden and severe case of the "bends."¹⁰ This causes their lungs to essentially explode.

⁶ <http://www.batsandwind.org/pdf/Wind%20Energy%20Development%20and%20Wildlife%20Conservation.pdf> (Kuvlesky et al. 2007) (on enclosed CD-ROM).

⁷ <http://www.fort.usgs.gov/BatsWindmills> (USGS, 2010) (on enclosed CD-ROM).

⁸ <http://www.fort.usgs.gov/Products/Publications/22170/22170.pdf> (Cryan, 2008) (on enclosed CD-ROM).

⁹ See *id.*

¹⁰ http://www.newscientist.com/article/dn14593-wind-turbines-make-bat-lungs-explode.html?feedId=online-news_rss20 (Brahic, 2008) (on enclosed CD-ROM).

Potential impacts to bats are discussed in Section 4.4.5.8-Bats - Direct and Indirect Effects by Alternative. A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution) on bats and the adaptive mitigation measures.

Comment noted.

Although the DEIS mentions barotrauma, it makes no effort to analyze the scope of this problem at the Searchlight site. DEIS at 4-34. Obviously, these concerns regarding drops in barometric pressure near turbines extend to other avian species that might come near the turbines. Stipulations for operation of the turbines need to take into account the latest science on how bats are being killed, and adjust operations accordingly. Turbines may need to be shutdown during times of the year and on nights when conditions are most conducive to bat mortality. Stipulations of this nature can be a condition of the generation project ROW and the DEIS should evaluate certain conditions in a DEIS supplement.

Bat scientists now hypothesize that the bat species dying at the highest rates at wind energy facilities are, in fact, attracted to the turbines. *See* Exhibit 18. Pre-siting studies are necessary to evaluate where bats are present on the site, and a proper evaluation of the impacts would disclose potential mitigation measures. It would be desirable for a permitting agency to set a limit on bat deaths, and require swift adaptive actions, including shutdown of the facility—temporary or permanent—if fatality thresholds are exceeded. Similar provisions should be included for other wildlife species. Seasonal shut down of wind turbines, particularly during the late summer/fall migratory period, is currently being examined as one way of reducing bat mortalities at other locations.¹¹ Obviously, while these techniques may enable a wind facility to operate with minimal threat to bats throughout the rest of the year, wind developers will be concerned about the economic impact of temporary shutdown, and may resist this strategy to reduce bat deaths. However, evaluation of these mitigation techniques, after adequate information has been obtained regarding bats at these sites and site-specific impacts, should be undertaken as part of a supplemental DEIS.

Gila Monster and Chuckwalla

Both Gila monsters and chuckwallas are BLM Sensitive Species in Nevada and the management direction from BLM Manual 6840.2 applies as previously described. The Gila monster is also protected under Nevada law. The limited survey of the site, which covered only a fraction of the project area, detected no Gila monster, but it is clear that “the preferred habitat of the banded Gila monster exists within the survey corridor and the exterior belt transects.” Terrestrial Wildlife Survey Spring 2011 at 6; *see* DEIS at 3-27. Recognizing the presence of Gila monster habitat, the survey noted that “[t]he Gila monster is rarely observed relative to other species, and given the difficulty of detection (NDOW 2007), though likely rare, absence cannot be concluded.” Terrestrial Wildlife Survey Spring 2006 at 6.

Mitigation measure “Bio-04” for Gila monsters and chuckwallas proposes capture and relocation as the mitigation strategy if the lizard is encountered. DEIS at 2-44. Relocation of banded Gila monster has been shown to be an ineffective strategy.¹² Similar to desert tortoises, the Gila monsters try to return to their original sites despite relocation distances. Effective

¹¹ <http://www.batsandwind.org/main.asp?page=research&sub=operational> (BWEC, 2008) (on enclosed CD-ROM).

¹² Sullivan, B.K., M.A. Kwiatkowski, G.W. Schuett 2004. Translocation of Urban Gila Monsters; a Problematic Conservation Tool. *Biological Conservation* 117L: 235-242.

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution, barotrauma) on bats.

Handling and relocation measures for Gila monsters would be in compliance with NDOW guidance as stated in MM-BIO-4. More specific mitigation measures have been developed in the Terrestrial Mitigation and Monitoring Plan (Appendix B-3: Terrestrial Wildlife Plan).

mitigation for these species needs to include strategies that will minimize mortality. In addition, BLM does not evaluate the potential effects of blasting that will be necessary during construction, but rather only discusses “grading” impacts, DEIS at 4-33. How will the noise and shock effects of blasting affect these sensitive species?

The DEIS admits that Gila monsters are difficult to survey for and provides very little other information about mitigation and avoidance of the species. DEIS at 3-27. This is not adequate to satisfy NEPA. The BLM’s statements regarding potential that Gila monster and chuckwalla “could be crushed, injured or killed during construction” and that “increased traffic during operation and maintenance could increase the potential for reptile/vehicle collisions to cause Gila monster and chuckwalla injury or death” (DEIS at xv, *see also id.* at 4-33) are precisely the type of “[g]eneral statements about possible effects and some risk” that the Ninth Circuit has rejected as legally insufficient in the absence of an explanation as to why more definitive information was unavailable. *Klamath-Siskiyou Wildlands Ctr. v. BLM*, 387 F.3d 989, 993 (9th Cir.2004) (internal quotation marks omitted); *see id.* at 994 (rejecting as insufficient statements that a particular environmental factor was “unchanged,” “improved,” or “degraded” and whether the change was “major” or “minor”).

Because of the lack of comprehensive surveys, the DEIS failed to adequately analyze the impacts that the proposed project would have on Gila monsters and chuckwallas including direct, indirect and cumulative impacts to these species and failed to adequately identify and evaluate potential alternatives that would avoid or minimize the impacts of the project on these species.

B. The discussion of mitigation measures throughout the DEIS is inadequate.

An EIS must do more than provide a perfunctory description of possible mitigation measures. *Okanogan Highlands Alliance v. Williams*, 236 F.3d 468, 473 (9th Cir. 2000). An EIS is not complete unless it contains “a reasonably complete discussion of possible mitigation measures.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352, 109 S.Ct. 1835, 104 L.Ed.2d 351 (1989). That requirement is implicit in NEPA’s demand that an EIS must discuss “any adverse environmental effects which cannot be avoided should the proposal be implemented.” *Id.* at 351-52, 109 S.Ct. 1835 (quoting NEPA, 42 U.S.C. § 4332(C)(ii)); *see also* 40 C.F.R. § 1502.16(h) (stating that an EIS must contain “[m]eans to mitigate adverse environmental impacts”). An agency must take a “hard look” at potential mitigating measures; a perfunctory description, or a mere listing, of mitigating measures, without supporting analytical data, violates NEPA. *Okanogan Highlands Alliance*, 236 F.3d at 473.

NEPA regulations require that the BLM discuss possible mitigation measures as a means to “mitigate adverse environmental impacts.” 40 C.F.R. § 1502.16(h). An adequate discussion of mitigation measures requires the agency to analyze the effectiveness of the proposed mitigation. *S. Fork Band*, 588 F.3d at 727. This allows the public, the decisionmaker, and any reviewing court to determine “whether they constitute an adequate buffer against the negative impacts that may result from the authorized activity.” *Nat’l Parks & Conservation Ass’n*, 241 F.3d at 734. To comply with NEPA, mitigation measures proposed in an EIS “must be developed to a reasonable

Although Gila monsters are difficult to detect, during pre-project tortoise and chuckwalla surveys, biologists looked specifically for Gila monster and sign. Although no animals or sign were detected, the DEIS states that Gila monster habitat is present; therefore, the animals may reside in the project area. Preconstruction surveys as described under APM-13 Environmental Clearance would help to locate Gila monsters immediately prior to construction activities and animals would be removed per NDOW protocol as stated in MM-BIO-4.

Currently, no official protocols for Gila monster surveys exist. However, during pre-project tortoise and chuckwalla surveys, biologists looked specifically for Gila monster and sign. Although no animals or sign were detected, the DEIS states that Gila monster habitat is present; therefore, the animals may reside in the project area.

A discussion of all mitigation measures is included in the EIS. BLM requires that mitigation measures are implemented as a stipulation of the ROD and/or ROW Grant. Development of mitigation plans often requires input, review, and approval by other regulating agencies such as USFWS, NDEP, DAQ, and NDOT. As such these plans are not typically completed prior to a Final EIS. However, all the elements and basic requirements of the mitigation plans are discussed throughout the EIS. Additionally, a number of mitigation plans have been completed and are included as follows Appendix B-1: Weed Management Plan, Appendix B-2: USFWS Biological Opinion, Appendix B-3: Terrestrial Wildlife Plan, and Appendix B-4: Bird and Bat Conservation Strategy.

degree. A perfunctory description, or ‘mere listing’ of mitigation measures, without supporting analytical data” is insufficient. *Id.* (quoting *Idaho Sporting Cong.*, 137 F.3d at 1151).

The DEIS does not comply with the basic requirement under NEPA that include supporting analytical data that explains how mitigation might actually prevent harmful effects. Rather, it simply lists possible mitigation measures, but provides no details or analysis of how, or whether, the measures would actually mitigate the likely adverse impacts described. Part of this stems from the failures documented above to disclose accurate, quantified and detailed information about likely impacts. But mostly this is a failure to make the analytical connection required under NEPA.

The principle deficiency in the DEIS’s discussion of mitigation is that none of the proposed “mitigation” plans have been completed. BLM must prepare a supplemental DEIS once the plans are completed. For example, the Emergency Response Plan, Waste Management Plan, Weed Control Plan, Facility Decommissioning Plan, Wildlife Mitigation and Monitoring Plan, such as for Gila Monster, Terrestrial Wildlife Plan for Bighorn sheep, Traffic Management Plan, Hazardous Materials Handling Management Program, Cactus and Yucca Salvage Plan, Stormwater Pollution Prevention Plan, and the Spill Prevention, Control, and Countermeasures Plan should be completed, and released for public review, as part of the supplemental EIS to allow the public to participate meaningfully in the decision making process—not deferred until after project approval. There also is no meaningful way for the Secretary or BLM to make a non-arbitrary decision about whether to approve the ROW applications unless the agency’s decisionmakers have the accurate information in hand about what mitigation is actually being proposed, and also have (consistent with NEPA) the public’s views on the subject.

For example, the discussion of mitigation in the section on wildlife describes a future “Wildlife Mitigation and Monitoring Plan” and a “Terrestrial Wildlife Plan.” DEIS at 2-44 to 2-45; 4-33; 4-37. These “Plans” do not describe what mechanisms would be used or what the practical consequences would be for preventing or minimizing damage to habitat. There is no explanation how or whether these “Plans” to be developed at some future point actually would be effective in mitigating adverse environmental effects. The entire suite of mitigation described at 2-43 to 2-45 related to wildlife requires additional description and scientific citation and justification. Any plans to “mitigate” the acknowledge adverse effects on wildlife must be fully outlined with dates, actions, and rationale that can justify the actions. There should be a full description of where off-site mitigation will occur and a full description of on-site mitigation measures that will be adopted for the project site. What exists is not a reasonable discussion of “mitigation” as required by NEPA.

Similar deficiencies in descriptions of mitigation occur in the sections involving other impacts (*e.g.* DEIS at 2-34, referencing best management practices (“BMPs”) and design features) but—largely because most of the plans are not yet developed—not explaining how they would mitigate the negative effects described in the DEIS. *See* DEIS at 2-35 to 2-50 and all discussion of “mitigation” at 4-10 to 4-122. None of these descriptions of the plans, nor the later sections in the DEIS that discuss mitigation, provide any detail nor explain how the mitigation measures will work or whether they will be effective. None of the mitigation measures described

Sections of the EIS have been updated to explain how mitigation measures would reduce impacts.

BLM requires that mitigation measures would be implemented as a stipulation the ROW Grant. Development of mitigation plans often requires input, review, and approval by other regulating agencies such as USFWS, NDEP, DAQ, and NDOT. As such these plans are not typically completed prior to a Final EIS. However, all the elements and basic requirements of the mitigation plans are discussed throughout the EIS.

The Weed Management Plan was included in the DEIS (Appendix B-1: Weed Management Plan). The EIS has been updated to include the following completed mitigation: Appendix B-2: USFWS Biological Opinion, Appendix B-3: Terrestrial Wildlife Plan and Appendix B-4: Bird and Bat Conservation Strategy

in the DEIS involve a “hard look” that includes analysis of their likely effectiveness, but rather are impermissible listings and perfunctory descriptions of possible mitigation measures.

Please evaluate the following specific comments related to mitigation measures as you develop a more detailed disclosure and evaluation of the mitigation measures and their likely effectiveness:

DEIS at 2-37: How wide is the area to be graded prior to trenching? Will yucca, cholla, and Joshua trees be removed and placed in a nursery for transplanting, or is it true that, as stated, “Organic matter will be mulched”? These plants are hundreds of years old. How can the BLM issue a ROD condoning this amount of destruction of pristine desert.

DEIS at 2-39: What is the status project approval by the FAA? Safety at this air field should not be compromised by the turbines. In addition, plans exist to build homes and businesses around the airport. The necessary infrastructure has been installed. If and when the economy turns around, this project would be viable. However, if the wind turbines are built, the airport project will never be built.

DEIS at 2-40: This states the O&M Building and associated septic system would require a wellhead protection plan. Will there be a well at the O&M Building in the future? Are there private wells nearby that could be compromised by the septic system?

DEIS at 2-43: The DEIS states “Desert tortoise fencing would be installed around Western’s proposed switching station.” Will the roads and turbine pads also have tortoise fencing? The high number of tortoises counted in the area would indicate that ALL areas of construction should be fenced.

DEIS at 2-44: Sixteen varieties of bats frequent and live in the area. How will their roosts in mine shafts and natural caves be monitored during blasting and construction to ensure that no disturbance is taking place?

DEIS at 2-46: The DEIS states “To further reduce effects to the US-95/ Cottonwood Cove Road intersection, the Plan will identify an alternate access route to the Proposed Project site during peak construction if possible.” We suggest the “planners” look at a map of the town of Searchlight. The only “alternate routes” would be through residential areas with roads even narrower than the 24-foot wide Cottonwood Cove Road. These narrow side streets also have 90 degree turns that would not accommodate construction traffic.

Utility poles are also immediately adjacent to the Cottonwood Cove Road. Will the developer move these poles to ensure no disruption of service to the people who live there? There are narrow walking paths immediately adjacent to Cottonwood Cove Road in Searchlight, which locals use to walk to the library and park, and children use to walk to the elementary school. Construction and traffic of the magnitude planned has the potential to create daily life-threatening situations for the people who live in Searchlight and are simply trying to go about their lives.

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Under MM-BIO-2 a Cactus and Yucca Salvage Plan would be developed. Text in Section 4.4-Biological Resources Impacts in the EIS has been updated to reflect the elements of this plan.

Status of FAA approval is pending. Input from Searchlight Airport Facilities Manager was received during scoping and was taken into consideration in developing the proposed project.

A wellhead protection plan is a State of Nevada standard for all septic systems. A well is not part of the proposed project. No private wells are anticipated to be effected.

The fencing proposed around the switching station would be permanent. Permanent fencing around roads and turbine pads has not been proposed because this would fragment tortoise habitat and result in unnecessary disturbance.

Monitoring of bat roosts would occur in compliance with the Bird and Bat Conservation Strategy (Appendix B-4: Bird and Bat Conservation Strategy).

Text regarding alternate route has been removed from the document.

There are no plans to move any existing utility poles. Refer to MM-TRAN-1 for a description of elements that would include in the Traffic Management Plan that would be prepared to address effects on local traffic (Table 2.6-2. Mitigation Measures and Section 4.7-Transportation Impacts). A Traffic Management Plan would be a stipulation of the ROW Grant.

“Providing alternate transportation routes should temporary road closures be required.” Again, it is theoretically possible that people attempting to tow their boats to Cottonwood Cove could be routed through the residential areas, but once you get to the area at the Community Center, THERE IS BUT ONE ROAD THAT GOES 14 MILES EAST TO COTTONWOOD COVE. There is simply no other way to get there. Do BLM and Duke propose to build new roads to route traffic through the existing ACEC and/or nearby wilderness areas? How will they deal with the boaters arriving to gridlock, having towed their boats for hundreds of miles to recreate on Lake Mohave?

DEIS at 2-46: The DEIS does not disclose that Cottonwood Cove Road is in poor condition already. If it is repaired to “preconstruction condition”, nothing is gained. What guarantee is there that Searchlight, Clark County and the State of Nevada won’t be left holding the bag for massive road repair costs? The weight of vehicles necessary to transport turbines and tower components and the cranes to erect the turbines are likely to cause serious damage to this rural road. Exhibit 8.

DEIS at 2-46: The proposed mitigation of visual impacts is not clearly defined. There simply is no way for the public to know whether BLM actually will “select BLM approved Flat Tone Colors for All Structures” and actually paint the turbines a “BLM-approved Standard Environmental Color intended to blend with the surrounding environment.” The DEIS presents conflicting information that “[a]ny color other than white will need to be approved by the FAA. If a color is not easily distinguishable for pilots, daytime strobe lights will be needed, thus negating the mitigation.” So, in fact, there will be *no* mitigation for visual impacts: either the color will be white (negating BLM’s claim that the color will “blend” with the environment) *or* the turbines will carry daytime strobe lights. BLM has an obligation to provide the information to the public *now* about what the turbines actually will look like, and what FAA will, or will not, approve.

More obviously and fundamentally, there is no way to disguise 87 428-foot tall structures in pristine desert.

DEIS at 2-47: According to the DEIS, construction noise can be mitigated, with the exception of the blasting that will be necessary in the granitic bedrock, for which there is no discussion of mitigation. Yet blasting is certain to occur: how do BLM and Duke propose to mitigate the noise and effects from blasting? How does applicant propose to “mitigate” the noise of the operating turbines?

DEIS at 2-48. The DEIS makes a patently false and uninformed statement that “[n]o adverse effects on socioeconomic condition are anticipated; therefore, no mitigation measures are proposed.” It is difficult to believe that BLM would make such a false statement. Property values will plummet even further than they already have; residents will move away; tourism will dwindle; local businesses dependent on tourism will fail; and the small town of Searchlight will never be able to expand beyond its present size. No one will develop anything other than more wind turbines, or possibly a hazardous waste dump, close to wind turbines that stand 430 feet tall, create 24-hour per day noise, despoil the viewshed, and have flashing lights day and night.

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Text regarding alternate routes has been removed from the document.

In Section 4.7-Transportation Impacts, the BLM disclosed that streets could receive wear from equipment and deliveries and has required a mitigation measure to address the effect. Refer to MM TRAN-2: Repair Damaged Streets for a description of the mitigation measure (Table 2.6-2. Mitigation Measures and Section 4.7-Transportation Impacts).

Visual Mitigation measures are discussed in Section 4.9-Visual Resources Impacts. Visual simulations depict the turbines as white, which would be the “worst-case scenario,” if the FAA would not allow an alternate color.

Refer to MM-NOI-1, which updated to include that blasting will be limited to 8am to 5pm weekdays only (Table 2.6-2. Mitigation Measures and Section 4.10-Noise Impacts). Areas will be quarantined prior to blast activity. MM-NOI—3 has been updated to include that an audible warning system will be used notifying public of pending blasting activities.

Commenter’s assertion is speculative and not supported by literature. Section 4.12-Socioeconomic Impacts has been updated to include potential effects on recreation and tourism. For further information see the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

In addition, the project map prepared by VTN dated 11-10-2009 neglects to show a number of private holdings located at the northwest part of the project. A copy of this high-resolution map is included on the CD-ROM ("Figure 1 Duke SWEP Project Area - LARGE MAP"), and should be incorporated into the DEIS to show the topography and more accurate information about the project site and surrounding areas. There are approximately six different landowners there, and at least six occupied residences. Why are these not shown on the project drawings?

C. The DEIS fails to disclose and evaluate adequately the likely impacts of the project on visual and scenic resources.

The DEIS's disclosure of the project's impacts to visual resources is misleading, deceptive, and incomplete. The scenic resources of Southern Nevada that would be affected by the proposed industrial-scale generation site and transmission lines are of national significance. This project would be built adjacent to outstanding conservation areas and the impact to visual resources will degrade the visitor experience. The project would be placed next to the Lake Mead NRA, the Piute-EI Dorado Valley ACEC, the Wee Thump Wilderness Area, the McCullough Mountains Wilderness Area. The project will be highly visible from Spirit Mountain, sacred to many Colorado River Tribes. The project will also be highly visible from several regions in the Mojave National Preserve, California. Areas that will be impacted are the Castle Mountains, the Castle Peaks, the New York Mountains and the Piute Range. The DEIS hardly mentions the breadth of these visual impacts.

This warrants the utmost care in consulting with expert agencies to ensure that the decision-making agencies have impartial and objective analysis of the likely impacts to the environment. BLM in the DEIS has provided no independent input regarding the affected visual resources, relying instead on a study apparently prepared entirely by the applicant's consultant, NewFields Environmental Planning and Compliance. See DEIS at 5-5 (listing Anne DuBarton, who prepared the visual simulations in Appendix E, as part of the "NewFields team.").

Also, the DEIS contains no evaluation of whether the visual impacts of the project are compatible with BLM's minimization obligations under FLPMA and the Wilderness Act. The Wilderness Act requires that wilderness areas "shall be administered ... in such a manner as to leave them unimpaired for future use and enjoyment as wilderness ... [and] the preservation of their wilderness character." 16 U.S.C. § 1311(a). The Act also requires that "each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area..." *Id.* § 1133(b). BLM, as the administering agency of the six Wilderness Areas from which the Searchlight Wind Project will be visible, has the obligation to prevent visual impacts to these areas. See, e.g., *Sierra Club Northstar Chapter v. Kimbell*, 2008 WL 4287424 (D. Minn. 2008) ("actions occurring on adjacent non-wilderness lands that have an impact on designated wilderness are regulated by the Wilderness Act"); DEIS at 3-51. BLM cannot allow projects on public lands adjoining a Wilderness to become so intense, incompatible, or intrusive that a designated Wilderness Area is degraded or is no longer a wilderness. An agency action that degrades the wilderness character of a designated Wilderness Area—

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The VTN map dated 11-10-09 is not part of the EIS. The Figures in the EIS include the private parcels in the northwestern portion of the project area and effects to those parcels have been analyzed in appropriate sections of the EIS figures and analysis. Figure 2.1-1. 96 WTG Layout Alternative and Figure 2.1-2. 87 WTG Layout Alternative have been revised to reflect area topography.

Key observation points were identified during project scoping and provide a range of representative views in the project area.

NewFields is an independent third party contractor supporting the BLM with preparation of this NEPA document, as is Truescape, the firm that developed the visual simulations. These firms have no financial interest in the outcome of the project. The contrast ratings and visual simulations were reviewed and approved by BLM visual resources specialists in accordance with VRI BLM Manual Handbook H-8431-1.

The visual impacts are in compliance with the VRM III Class designation for the area. The Wilderness area was not identified as a public area of concern during project scoping. However, 17 other KOPs were selected during project scoping and these areas provide an adequate representation of visual impacts throughout the viewshed.

regardless of the source of the allegedly degrading activity—violates the Wilderness Act’s requirement that the agency preserve wilderness character. *Izaak Walton League of America, Inc. v. Kimbell*, 516 F. Supp. 2d 982, 988–89 (D. Minn. 2007). Here, BLM has provided no simulations of visual impacts to the wilderness character of designated Wilderness within visual range of the proposed project. See DEIS Sections 3.9, 4.9 (Visual Resources, Visual Impacts sections containing no discussion of impacts to designated Wilderness Areas).

BLM must collect and evaluate its own visual impacts analysis, rather than rely on one prepared by the developer’s consultant, and disclose it to the public for review. This is particularly true because of serious deficiencies in the visual impacts analysis presented in the DEIS. NEPA case law and guidance are clear that an applicant and its consultants should not be allowed to influence the analytical content of an EIS. See, e.g., *Sierra Club v. Sigler*, 695 F.2d 957, 962 n.3 (5th Cir. 1983) (expressing serious concern over role of private firm in preparation of EIS). An EIS must be an entirely objective analysis intended to aid the decision makers and the public in understanding the consequences of an agency decision. Thus, it is standard practice for action agencies to ensure that applicants for federal action are insulated from all aspects of EIS preparation other than providing information. It is ultimately BLM’s responsibility, and not that of any consultants, to independently verify the DEIS’s content. The agencies are “responsible for the independent verification and use of the data, evaluation of the environmental issues, and . . . the scope and content of the environmental assessment.” *Save Our Wetlands v. Sands*, 711 F.2d 634, 642 (5th Cir. 1983).

Given the extremely biased nature of the DEIS, and the visual impacts section in particular, and the apparent lack of meaningful involvement by agency personnel, it is doubtful that BLM is meeting this responsibility. There is no evidence of independent analysis on the part of BLM in the DEIS. Although NEPA regulations allow an applicant to prepare a NEPA document, the agency must independently evaluate the information and is responsible for its accuracy and make its own evaluation of the environmental issues and take responsibility for the scope and content of the document. 40 C.F.R. § 1506.5.

1. The DEIS presents deceptive and contradictory information about turbine color.

As noted above, the DEIS does not actually disclose what color the turbines will be. DEIS 2-46. The DEIS frankly acknowledges that “[d]ue to the height of the [turbines] and the oscillating motion of the blades, it is difficult to make the towers blend into the landscape” and that a flat gray paint color “will tone down the usual white design.” *Id.* However, any color *other* than white has to be approved by the Federal Aviation Administration. *Id.* and any color “not easily distinguishable for pilots” will result in daytime strobe lights on the turbines. *Id.* and *id.* at 4-77. Therefore BLM has failed to disclose what the *actual* visual impacts of the project will be. Either the turbines will be painted white, or the turbines will carry daytime strobe lights.

But BLM does not reflect this in the visual simulations it provides. The Appendix E Key Observation Point (“KOP”) Visual Contrast Worksheet Forms (Appendix E) state for all of the KOPs under “proposed activity description” that the color of the structures will be “white.” However, the “simulations”—most clearly visible in the Appendix E simulations for KOPs 14

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NewFields is an independent third party contractor supporting the BLM with preparation of this NEPA document, as is Truescape, the firm that developed the visual simulations. These firms have no financial interest in the outcome of the project. The contrast ratings and visual simulations were reviewed and approved by BLM visual resources specialists in accordance with VRM BLM Manual Handbook H-8431-1.

FAA will determine if the turbines will be white or equipped with strobes. Visual simulations in the EIS depict the WTGs in white, which would have the highest degree of contrast and is; therefore, the worst-case scenario.

Truescape confirms that the turbines depicted in the visual simulations were white. The simulations accurately depict what the perceived color of the turbines would be under the lighting conditions of when the site photo was taken. Time of day, angle and direction of sunlight, cloud cover and other light conditions were factored into illustrating their appearance as off-white or gray in some situations.

and 15—show gray-painted turbines *without* daytime strobe lights. By the terms of the DEIS itself, there is no way that the turbines depicted in the simulations actually will be built: either they will be white (which BLM acknowledges makes it difficult to blend into the landscape), or they will carry visually disturbing strobe lights. In either instance, the simulations in Appendix E do not reflect the reality of either of the potential visual impacts.

The simulations are therefore not accurate and “high-quality” information which NEPA requires be supplied to the public for comment and to the decisionmaker to make a non-arbitrary decision on the ROW applications. Because the FAA has to approve the design, BLM should get that approval *first* and then present to the public simulations that depict what the actual appearance of the turbines—white, or grey with flashing strobe lights—will be. It is not acceptable to try to present visual “simulations” that do not reflect either of the possible visual impact scenarios the FAA might approve.

2. The photo simulations in the DEIS are misleading and present an inaccurate representation of the likely visual and scenic effects.

There are several elements of the DEIS’s analysis of impacts to visual and scenic resources that are flawed and make the evaluation of impacts incomplete. The photo simulations of turbine impacts illustrated in the DEIS are highly misleading. There are several reasons for this. First, the photographs appear to have been taken with a wide angle lens in panoramic mode, causing objects in the distance to appear smaller than they would to the naked eye. Secondly, the photos were taken when the atmosphere was hazy. It is during the crystal-clear days that the views are most dramatic and would therefore be the most affected by the presence of turbines. The analysis should take into account those days when the visual impacts will be most severe, and also which represent the most common atmospheric conditions in the arid lands of Southern Nevada; the photos appear to be trying to downplay the impacts. Readily available photographs of other industrial-scale wind energy development projects, with the same approximate scale and distance, show that actual industrial-scale wind energy installations are far more prominent in reality than the simulations in the DEIS. Exhibit 19 (photograph of Elkhorn Valley wind project in Union County, Oregon (100.65 MW), taken from at least 3 miles away—turbines are highly visible even though photograph is smaller and lower-resolution than those in the DEIS).

The flaws in the visual impacts analysis are evaluated and described in additional detail in the comments on KOPs 2, 8, 14, and 15 by R.T. Bundorf, attached as Exhibit 20. We conclude that, to accurately depict what the human eye would see at these locations, a view covering only about 1/6 of the wide-angle photographs actually presented should have been displayed. In properly-scaled photographs, as depicted in Exhibit 20, the visual impact from the turbines is dramatically greater than the DEIS discloses. In addition, as described above, the grey color of the turbines in the simulation (*see* Exhibit 20 at 5–9) is misleading because that will either not be the color the turbines actually are painted, or they will carry flashing daytime strobe lights. Also, at least one of the simulation photographs (from KOP 2) does not appear to contain any turbines at all, although from the location of the KOP (approximately 3.5 miles from the project site), turbines should be visible. This may be an error that BLM must independently evaluate and correct in a supplemental DEIS.

Visual simulations were evaluated at the recommended size and hazy conditions were taken into account; therefore, the contrast ratings were correctly evaluated. BLM visual resources specialists reviewed these evaluations. As full size visual simulations (approximately 20x60 inches) cannot be included in the EIS due to size constraints, the visual simulations in the EIS (including KOP 2) have been updated and scaled to appropriately compensate for the use of the wide-angled panoramic view.

The deficiencies documented by R.T. Bundorf in Exhibit 20 also are echoed when compared with the principles of proper visual effects analysis outlined in Appendix D to the National Research Council's seminal 2007 report on "The Environmental Impacts of Wind Energy Projects," enclosed on the attached CD-ROM. Appendix D describes basic standards such as line-of-sight analysis and proper viewing distance which demonstrate the inadequacy of the visual effects analysis presented in the DEIS. Appendix D also describes how use of wide angle lens photographs—as the DEIS does—"result in inaccurate perspectives." Environmental Impacts of Wind Energy Projects at 350–51, and—as the DEIS has—produce images that "minimize the visual impacts of the proposed project." *Id.* at 351. Also discussed are issues regarding how color, scale, and size and shape of nearby objects or visual clutter (present in several of the DEIS simulated photographs) can affect perceived impacts.

BLM must evaluate, independently, the National Research Council's objective scientific "best practices" guidance for visual resource impacts analysis and must produce a set of photographs for public review that accurately illustrate the impacts to the scenic quality of the Searchlight area, reflecting conditions on clear days, with sharp resolution and angle of view that more accurately approximates normal human vision.

The DEIS discussion of mitigation is wholly inadequate. Rather than include discussion of mitigation for visual impacts, the DEIS references no mitigation that actually will reduce visual impacts from the turbines' operation, instead stating the false proposition that the turbines will be painted a color that will blend with the environment. DEIS at 4-77. As a result, the DEIS contains no description of mitigation and no actual analysis of how, or whether, the proposed design and management practices could be effective to mitigation the dramatic visual and aesthetic degradation of the unique viewsheds of the Piute Valley and surrounding mountains. This is impermissible under NEPA. An agency must take a "hard look" at potential mitigating measures; a perfunctory description, or a mere listing, of mitigating measures, without supporting analytical data, violates NEPA. *Okanogan Highlands Alliance*, 236 F.3d at 473. Examples of mitigation could include ROW conditions requiring setbacks of turbines from affected scenic overlooks or areas frequented by recreationists; conditions limiting the height of turbines, or conditioning approval of ROWs on specific configurations that eliminate visual and noise impacts to areas where visitors and recreationists congregate; installation of proximity-warning devices that would limit the impact of nighttime red light blinking on the unspoiled skyline; or conditions requiring burying the transmission line throughout its entire route.

In addition, other publicly-available simulations of potential visual impacts show far more dramatic effects on the spectacular desert viewsheds than BLM's biased simulations. For example, two simulations posted at <http://www.basinandrangewatch.org/SearchlightUpdates.html>, and attached as Exhibit 21, illustrate potential views of turbines on clear, cloudless days from the vantage point of a quiet recreationist in the Searchlight Mountains, depicting the turbines with the white color that the BLM simulations state will be the color of the structures to be built. DEIS at Appendix E. The supplemental DEIS must include visual simulations that *accurately* depict the likely impacts, not the set of skewed and deceptive simulations that currently are included in the environmental

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The contrast ratings and visual simulations were reviewed and approved by BLM visual resources specialists in accordance with VRM BLM Manual Handbook H-8431-1.

Visual simulations were evaluated at the recommended size and hazy conditions were taken into account; therefore, the contrast ratings were correctly evaluated. BLM visual resources specialists reviewed these evaluations. As full size visual simulations (approximately 20x60 inches) cannot be included in the EIS due to size constraints, the visual simulations in the EIS have been updated and scaled to appropriately and accurately compensate for the use of the wide-angled panoramic view. The turbines in the simulations are white.

BLM had considered scenic quality when determining the VRM Class for district as disclosed in the BLM RMP (see discussion in Section 3.9.3-Visual Resources Management Classes). Section 3.9.4.8-Selection of KOPs illustrates views in and around the project area.

Comment noted.

assessment. BLM has failed to provide high-quality and accurate information about visual impacts for the public's review, in violation of NEPA.

3. BLM must prepare and disclose video simulations that depict arrays of spinning turbines and video simulations that depict turbine array operations at night.

BLM uses a "one size fits all" approach to its visual and viewshed analyses. In its analyses, The DEIS does not make a clear distinction between the various types of visual stimuli and how each category will affect the environment. Object visibility during the daytime will be affected by a multitude of factors including color, pattern, size, shape, ridgeline, and motion. For example, a stationary, irregular-shaped object with variegated pattern of earth-tone colors located below a ridgeline will be much less dominant on the landscape as a solid white vertical linear object looming above hilltops and roads with moving turbine blades. Wind turbines, by their very nature, are at the very top of visually noticeable unnatural objects. The DEIS tacitly acknowledges this in a statement buried in a table, stating that "[d]ue to the height of the WTGs and the oscillating motion of the blades, it is difficult to make the towers blend into the landscape." DEIS at 2-46. The DEIS's disclosure and analysis do not adequately explain the differences in visual impacts with the various visual stimuli involved (i.e. immobile vs. mobile objects and constant vs. blinking lights).

The spinning blades on 428 ft.-tall turbines looming above the hilltops will undeniably dominate the otherwise dramatic natural beauty of the location and would not be overlooked by the average observer. Video simulations are necessary to disclose accurately the flicker from 200-ft. diameter blades on 87 turbines in the Searchlight mountains. Because the blades rotate, sometimes at high speeds, their flicker will be more eye-catching and disruptive to the visual character of the desert landscape than stationary objects. Without simulations that disclose the movement of the turbines, the DEIS is deficient and violates NEPA.

On the enclosed CD-ROM, we have included five video clips (IMG 2931, IMG 2932, IMG 2937, IMG 2938, and IMG 2938 in the folder marked "turbine video") that show how turbines and turbine fields look in motion and the actual visual impact of moving turbines, which BLM has excluded from its DEIS analysis. For example, the video numbered "IMG 2931" shows a spinning turbine from approximately the same vantage point as the DEIS's simulation at KOP 15 (Appendix E). As this video illustrates, the simulation included in the DEIS dramatically understates the visual impact of a spinning turbine and presents the public with inaccurate information. The Appendix E worksheet describes that the structures (the turbines) being simulated will be "white" in color—as are the turbines in the video IMG 2931—but the simulation incorrectly shows static turbines that are painted grey.

BLM must prepare and distribute a supplemental DEIS disclosing simulations that show accurate information about the likely visual impacts from the motion of the turbines and their likely white color—impacts which BLM has acknowledged exist, DEIS at 2-46, 4-62, 4-77. Given readily available technology in the year 2012, there is no excuse for the BLM to not prepare and disclose to the public video simulations of the proposed project's true visual impacts.

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The contrast ratings and visual simulations were reviewed and approved by BLM visual resources specialists in accordance with VRMBLM Manual Handbook H-8431-1.

The DEIS failed to evaluate adequately the impacts the turbines will have at night. DEIS at 4-77. The DEIS did not prepare simulations of blinking lights on wind turbines, wind turbine movement, and nighttime views. The lack of such concrete visual information in the DEIS thwarts the ability of the public and the decisionmakers to evaluate the true impacts of the project on the dark skies and scenic values which the Department of the Interior must protect on lands it manages, including the protected ACEC and nearby Lake Mead NRA. The failure to include information on nighttime view is particularly troubling. Nighttime views and moving simulations of the turbine strings and transmission lines, which would bear several red strobe lights, flashing at frequencies of at least 20 times per minute, are essential to understanding the dramatic change that the project would wreak on the nighttime sky in the Searchlight area. DEIS at 4-77. And no still image can simulate the experience of viewing a group of flashing lights on an otherwise dark landscape and over a lightless mountain ridge. Flashing lights are a very different experience than steady lights. A proper disclosure of visual impacts requires a realistic, moving-picture representation of the nighttime views of the proposed development, so that the public may have a better understanding of the aesthetic trade-offs that come with it.

Object (illumination) visibility during the nighttime is also affected by a variety of factors including brightness, color, pattern, and constancy. For example, a single, constant, white light that is about as bright as a planet or star from a particular distance will be much less noticeable than a line of bright flashing red lights from the same distance. Again, BLM fails to make this distinction. BLM also fails to point out that a group of flashing lights on a dark night will be noticeable from a much longer distance than the turbines during the daytime.

BLM has failed to evaluate the amount of light from FAA-required and discretionary lighting that will be present on the turbines, transmission line, tensioning towers, and associated facilities at night. One of the most important scenic resources of the Southern Nevada area is the nighttime darkness. A field of 87 wind turbines would have significant nighttime visual impacts. The DEIS inappropriately dismisses this concern by stating that “lights are not expected to contribute to sky glow or glare because of the intermittent nature and color of these lights.” DEIS at 4-77. But this ignores the *actual* visual impacts from the flashing lights: they may not contribute to “glow or glare,” but they interrupt the darkness. It would be easy to and disclose information showing these effects: already in Nevada and southern California there are areas where there are large arrays of wind turbines whose FAA-required lighting blink 15 or 20 times per minute. A simple video of these locations would afford the public (and agency decisionmakers) the opportunity to evaluate whether these effects are unreasonable and therefore whether the ROWs should be denied.

Aside from declaring, without analysis, “minimal” impacts to glow or glare, there is no other discussion in the DEIS of the impacts of the FAA-required lighting in the DEIS. As a result, the statement that there would be “minimal effect” on nighttime light pollution has no support. BLM and USFWS must independently confirm this false statement by visiting and documenting nearby areas, such as the Tehachapi, California region, that have been highly impacted by industrial wind energy. On overcast nights, local people who are not even in direct

BLM does not have a dark sky management policy. The BLM does recognize the importance of protecting the integrity of the Dark Sky environment and will require mitigation to dark sky impacts that fall under BLM authority. The aviation safety warning systems are under the authority of the Federal Aviation Administration (FAA). The FAA is currently assessing the suitability of utilizing Audio Visual Warning Systems that enable on-demand functionality of the WTG warning lights. The BLM is unable to require this form of night sky impact mitigation until such time that the FAA has finalized their assessment and issues new visibility marking policy guidance.

The contrast ratings and visual simulations were reviewed and approved by BLM visual resources specialists in accordance with VRM BLM Manual Handbook H-8431-1.

The BLM has included mitigation consistent with dark skies objectives as suggested by Nevada Division of State Lands and the National Park Service.

view of the actual wind turbines report that all of the red aviation lights reflect off of the clouds and create visual impacts at even great distances from the turbines.

Also, BLM should impose mandatory mitigation of nighttime light pollution by requiring installation of an Obstacle Collision Avoidance System ("OCAS") that is activated by radar and only blinks when aircraft are in close proximity, minimizing or eliminating the nighttime impacts from the Project. *See, e.g.,* Exhibit 22 (describing OCAS), available at <http://www.darksky.org/mc/page.do?sitePageId=84895>. Turbine maker Vestas has acquired the OCAS technology, making it readily available to a facility such as Searchlight, Exhibit 23.

BLM must obtain nighttime photographs and video of turbine arrays and extrapolate those to the 87 that may occupy the Searchlight hills. BLM also has an obligation to present truthful evidence about what it means for the strobes to be "intermittent": in the other areas where wind projects have been built, they flash every three or four seconds. Hundreds of turbines hundreds of feet tall with red or white strobes flashing certainly do contribute to light pollution. The DEIS is simply wrong to suggest that they do not.

Finding a location near any major city with dark skies is very difficult. At present, the area around Searchlight has skies dark enough to permit star gazing. Boaters on Lake Mohave are also able to enjoy the beauty of starlit skies without the intrusion of heavy industry. If the project is built the lighting on the turbines will destroy the dark skies in the area. Many Searchlight residents, as well as visitors to the area, treasure the dark night skies and the dark mountain landscapes that often accompany them. The appearance of such a stark sign of our industrial society, and of newly-industrialized land completely surrounded by protected lands, will surely be off-putting to many, and clearly convey to others that Nevada and Clark County have irretrievably lost some of their naturalness, wild beauty, and traditional character. BLM has failed to carefully evaluate this potential change in the visual and scenic character of the lands it manages in the DEIS.

4. BLM must redo its simulations to depict all reasonable visual impacts scenarios and revise its visual effects analysis to incorporate necessary revisions.

The BLM should require more KOP simulations that depict all of the visual impact scenarios. All of the most potentially visible angles of light and time of day should be considered to depict the worst case scenario.

The DEIS KOP simulations undermine the full visual impacts. They should be thrown out and re-designed, and BLM must conduct its own independent analysis of the visual impacts of the project because the simulations provided by the applicant's consultant are so misleading. BLM should disclose and evaluate the following factors in its revised visual resources analysis:

(1) Angle of Observation. The apparent size of a project is directly related to the angle between the viewer's line-of-sight and the slope upon which the project is to take place. As this angle nears 90 degrees (vertical and horizontal), the maximum area is viewable.

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The BLM does recognize the importance of protecting the integrity of the Dark Sky environment and will require mitigation to dark sky impacts that fall under BLM authority. The aviation safety warning systems are under the authority of the Federal Aviation Administration (FAA). The FAA is currently assessing the suitability of utilizing Audio Visual Warning Systems that enable on-demand functionality of the WTG warning lights. The BLM is unable to require this form of night sky impact mitigation until such time that the FAA has finalized their assessment and issues new visibility marking policy guidance.

The only exterior lighting on the WTGs will be the aviation warning lighting required by the FAA. The warning lighting will be the minimum required intensity to meet the current FAA standards. Outdoor night lighting at the O&M facility will be the minimum necessary for safety and for security and will adhere to the minimization measures discussed in under MM-VIS-5.

While the BLM does not have a Dark Sky Management policy, the BLM does recognize the importance of protecting the integrity of the Dark Sky environment, MM-VIS-5 has been updated to reflect that a lighting plan would be submitted and approved by the BLM and the basic elements that would be contained in that plan including proper dark sky protection from unnecessary light pollution scatter.

BLM has revised the scale of the visual simulations in the EIS to address this comment. However, the BLM determined the contrast ratings at the proper scale and as such the contrast ratings remained consistent with VRM Class III standards and objectives.

Visual impacts were assessed using BLM methodology. Seventeen KOPs were selected to address public concerns expressed during project scoping. Although every possible scenario is not addressed, the BLM believes that adequate KOPs were evaluated to illustrate representative views from sensitive viewpoints throughout the project area.

NewFields is an independent third party contractor for the BLM as is Truescape, the firm that supplied the visual simulations. These firms have no financial interest in the outcome of the project. The impact assessment and visual simulations were reviewed and approved by BLM visual resources specialist in accordance with VRM BLM Manual Handbook H-8431-1.

(2) Length of Time the Project Is In View. If the viewer has only a brief glimpse of the project, the contrast may not be of great concern. If, however, the project is subject to view for a long period, as from an overlook, the contrast may be very significant.

(3) Relative Size or Scale. The contrast created by the project is directly related to its size and scale as compared to the surroundings in which it is placed.

The immense size of the project is large and will have the potential to impact different VRM zones of different classes. Much of the public lands in the region are held to Class 1 VRM standards or the National Park Service equivalent BLM defines the objective of this class "to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention."

Wind turbines that tower above 428 feet tall have a three-dimensional impact. It is impossible to mitigate these impacts. Protecting visual resources also means protecting unbroken landscapes from very major industrial impacts. It is pointless for BLM to try to define visual impacts based on Class 3 BLM VRM standards.

To accurately depict the likely visual effects of the project, BLM should create additional simulations from relevant viewpoints, including residential areas within Searchlight that presently have views of Spirit Mountain, and from residences northeast of Searchlight that have views of Lake Mohave. The following Key Observation Point simulations should be included in a supplemental DEIS:

1. Five KOPs from local residences that recognize and define the worst case scenario visual impacts.
2. Four KOPs from the Mojave National Preserve, California. Two from the Castle Peaks and Castle Mountains area and two from the Piute Range.
3. Four better KOP observation points from the Lake Mead National Recreation Area. Please design these so they are visible.
4. Three KOPs depicting the flashing red lights at night.
5. Four KOP observations looking down on the massive ground disturbance that will accompany the visual disturbances from vantage points in the surrounding hills and a vantage point that approximates the view from Spirit Mountain.
6. Three KOPs depicting the visual impacts from construction activity (dust clouds, enormous trucks, cranes, etc).

In addition, spurious KOPs should be eliminated from the analysis. It is very difficult to understand why the first KOP, Railroad Pass, was chosen. DEIS at 3-60. It is 36 miles and two mountain ranges from the project, so obviously no turbines would be visible. Similarly, KOP 3 and 4 (28 and 35 miles distant) are also questionable.

The BLM manages visual resources for the VRM class in which the proposed project is located, not for the VRM Class Rating of adjacent BLM administered lands, nor does the BLM have the authority to regulate land use on public lands administered by other federal land management agencies.

Comment noted.

Comment noted. The KOPs included in the EIS were selected as representative and/or included in response to public comments and concerns raised during the scoping period.

Also, the DEIS should disclose and evaluate in its revised analysis that one of the project features, the planned 100-foot high microwave tower, is also very visible and would detract from tourists' views of Lake Mohave. DEIS at 2-32.

How much "weight" is given to visual resources in making the decision whether to approve the ROWs? DEIS at 3-55. The viewshed in virtually every direction around the project will be affected. People who presently have beautiful views of Lake Mohave or Spirit Mountain will no longer be able to enjoy them. People driving east on Cottonwood Cove will drive through a heavy industrial area. Many of the visitors to the lake come from California, where their views have already been destroyed by wind turbines. Those people will likely no longer choose to recreate at Lake Mohave. People driving on US 95, just passing through the area, will be the least affected. People who live in and around Searchlight and who recreate at Cottonwood Cove will be the most affected. As noted, the turbines will be visible from three states, and from a number of wilderness areas. DEIS at 3-56.

How were the VRM categories arrived at? DEIS at 3-58. This is not explained in the DEIS. Beauty is in the eye of the beholder, and the views of Spirit Mountain and Lake Mohave are unparalleled. Likewise, expansive views of Joshua tree woodlands and forests of Teddy Bear Cholla are equally beautiful. However, if the people creating the VRM categories are from the East or West Coast, their bias toward viewsheds of deciduous trees may result in a lower rating for all desert views.

A quote from Section 3.9.4.2 on page 3-60 reads, "The landscape is panoramic, and expansive vistas of distant mountains are common." This sums up the beauty of the desert. However, a panorama intruded upon by 428 foot tall wind turbines is virtually destroyed for all who live in and travel through the region.

Park visitation at Cottonwood Cove is stated at over 300,000 annually. DEIS at 3-60. All 300,000 visitors arrive at Cottonwood Cove via Cottonwood Cove Road. An 8 to 12 month construction period would financially destroy the concessionaire at Cottonwood Cove, and much of the tourism that comes through Searchlight. Applicant should perform an economic analysis to quantify the revenue lost by the concessionaire, the National Park Service, and all Searchlight businesses that are dependent on tourism. The lost business would also result in a loss of sales tax revenue for the county and state.

Line 3 on page 4-65 should read "west" rather than "east" toward the proposed project. If you are looking east, you are looking into Arizona.

D. The DEIS does not disclose and evaluate adequately the likely impacts of the project on recreation resources.

The DEIS' analysis of potential impacts to recreational resources is inadequate. Although Section 3.1.1 appears to provide certain baseline data, its analysis of potential environmental impact is highly flawed and ignores the national significance of scenic vistas afforded at key observation points and recreational destinations throughout the area surrounding Searchlight.

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An additional simulation for the proposed western switching station has been included in the EIS. Refer to KOP 17 in Section 4.10- Visual Resources Impacts.

Impacts to visual resources have to be in conformance with the Visual Resources Management Classification for the area, in this case the project area is designated VRM Class III, which allows for moderate levels of visual change.

Visual Resource Management classes are designated through the land use planning process and declared in the Resource Management Plans (RMPs). Designation of visual management classes is ultimately based on the management decisions made in the RMPs. RMP VRM Class decisions consider inventoried visual values along with other land use allocations and resource protections.

All actions proposed during implementation of the RMP that would result in surface disturbance must be analyzed for conformance to the VRM Class objectives and impacts to the visual values.

Five steps are involved in the visual resource management (VRM) classification process. These are: 1) outlining and numerical evaluation of scenic quality; 2) outlining of visual sensitivity levels; 3) delineating distance zones; 4) overlaying the scenic quality, sensitivity levels and distance zones using a matrix to develop visual resource inventory classes (VRI) I-IV; and 5) designate VRM Classes I-IV to provide protection to visual resource while meeting the multiple use goals of the RMP through the planning process.

Typographical area has been corrected.

including the Piute-El Dorado ACEC and Lake Mead NRA. Essentially, the DEIS sweeps potentially significant adverse effects under the rug by providing only the most cursory discussion of potential impacts to scenic resources and the unique recreational experience afforded on public lands in southern Nevada that are present in the Searchlight desert and mountains and surround the site.

The National Park Service ("NPS"), which administers the Lake Mead NRA, previously expressed significant concern about the impacts from the project in 2009. Exhibit 24. For example, the NPS described that siting the "interconnect facility or any attendant facilities in section 26 [in close proximity to the NRA entrance station] could bring significant impacts to the Cottonwood Cove entrance into Lake Mead NRA during peak traffic periods." *Id.* The NPS constructed the entrance station approximately 1.5 miles west of the NRA boundary, along Western's transmission line where the interconnection facility will be placed, and "On a busy summer weekend there are thousands of visitors using this road to access the Lake Mohave shoreline." *Id.* The DEIS does not disclose these concerns, nor indicate whether (or how) they have been addressed. However, the turbine construction along Cottonwood Cove Road and the interconnection facilities planned adjacent to the road have not varied from the initial proposal about which the NPS expressed concern. The interconnect facility is still located too close to the entrance station to a NRA. DEIS at 2-11. This facility should not be permitted that close to the road and entrance station. The DEIS also does not clearly indicate whether the land exchange described in the NPS letter in 2009 has taken place, and, if so, just how close to land administered by the Park Service the wind turbines and transmission will be. Please clarify this in the maps developed for the final EIS.

The next-to-last paragraph in the DEIS on page 3-88 presents a very accurate description of the existing use of the area, and the reason people choose to live and recreate here. Why, then, would BLM even consider granting a ROW allowing heavy industrial development in an area described as attracting "recreation visitors seeking a primitive recreation experience of natural beauty, solitude, and freedom from the regulations of structured urban environments." DEIS at 3-88. However, the DEIS's discussion of the impacts to recreation opportunities in Section 4.11 only lists general effects and does not discuss the specific ways in which the presence of an 87-turbine utility-scale wind project and associated transmission lines will deny recreationists the opportunities for beauty and solitude that BLM identified as characteristic of the area.

The DEIS's discussion of recreational impacts does not disclose that noise from the operation of the project will be easily audible (up to 25 decibels) throughout large portions of the ACEC surrounding the project site, up to the border of the Lake Mead NRA. DEIS at 4-86, 4-89. In these areas, any quiet recreation seeking the "experience of natural beauty [and] solitude" will be eliminated. The DEIS does not acknowledge that the current, relatively pristine condition of the project site and surrounding protected areas is, in itself, an important recreational resource that will be destroyed in its current form by the project. None of the KOPs are located in areas where quiet recreationists would be seeking to escape from roads into the surrounding natural areas. DEIS at 3-56. Instead, only four KOPs are presented within five miles of the project site, all along roads. *Id.* This fails to accurately present information about visual impacts to a significant class of recreationists who use the area.

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Section 4.10-Noise Impacts, discusses the noise impacts of the project. Updated Figure 4.10-1. Noise Contours for the 96 WTG Layout Alternative and Figure 4.10-1. Noise Contours for the 96 WTG Layout Alternative illustrates the noise contours for areas both within and outside the project area.

The proposed action and preferred alternative would represent significant adverse impacts to the otherwise natural setting and, therefore, to the hiking experience in the Searchlight desert and mountains and in the ACEC and NRA where the project would be visible. The DEIS must evaluate what hiking areas and camping areas this would affect. In particular, BLM must evaluate how people camping at dispersed campsites would be affected by the flashing red lights on the turbines flashing every 15 seconds throughout the night. This development would forever change, for the worse, the character of the recreation experience on hundreds of acres of protected land in the vicinity of the project site. The DEIS avoids any discussion of noise and visual effects on dispersed campsites, omitting any noise receptors or visual analysis points of view outside of areas of human congregation and an established campground 35 miles from the project site. DEIS at 3-6. Nor does the DEIS describe any potential conditions that BLM might place on the ROWs to ensure protection of recreational resources. As a result of these shortcomings, the DEIS fails to adequately describe, and propose mitigation for, what invariably would be a significant and irreversible impact to the outstanding and nationally-significant scenic and recreational resources on and surrounding the project site.

Construction of an industrial-scale energy project in the area east of Searchlight also would obliterate the opportunities for use of the "Searchlight Trails" system that Clark County has been developing in the Searchlight area. The Searchlight Trails Study is enclosed on the CD-ROM (available at http://www.clarkcountynv.gov/Depts/comprehensive_planning/advanced_planning/Documents/SearchlightTrailsStudy.pdf). BLM does not mention the Study in the DEIS as a recreational resource. The Study outlined plans for a number of hiking, Off-Road Vehicle ("ORV") and horseback trails in the area northeast of Searchlight, and even linking to trails to other areas around Searchlight. The Study shows trails that, if the project is developed, would be overlain by turbines and roads to the turbines. So far only a portion of the trail system has been fully developed (a walking path just east of the community center). If the turbines are erected, there will not be hiking, ORV, or horseback trails through the turbines.

The Study provides an excellent description and photos of Cottonwood Cove Road within the town of Searchlight. They correctly depict the road as very narrow, and as the Study indicates, would be difficult to widen because some of the fences and improvements around residences were built on the easement. This is quite common in old Nevada mining towns.

The discussion of impacts in the DEIS presents impacts as speculative when they are certain. DEIS at 4-92. All four items listed will occur if the project is built. Conflict already exists between the master plan for Searchlight Trails, and the planned WTGs. Also, noise levels will be in conflict with NPS levels for noise at night. Access to existing recreation will be altered by the presence of wind turbines along Cottonwood Cove Road, and ORV riding areas will be impacted by the presence of turbines in previously accessible areas. The levels of use at Cottonwood Cove will change. Many people will no longer find it desirable to travel to a site with the higher noise levels that will result from the turbines. There is also potential for overcrowding when a good share of the 300,000 Cottonwood Cove visitors go to Lake Mead, or to Katherine's Landing.

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Noise receptors and visual analysis points were determined during Public Scoping when people living in the valley came forth with the properties and other locations they felt would be the most important to analyze. These included property lines, the NRA boundary, and the campground and other facilities at Cottonwood Cove. Dispersed camping areas were not identified as important locations during this process. The EIS proposes mitigation measures in Section 4.11.3-Mitigation. Refer to Section 4.10-Visual Resources for a discussion of impacts to dark skies.

The BLM manages its lands for a variety of uses. Right-of-ways may include several uses such as transmission lines and trails. Section 4.11.2-Direct and Indirect Effects by Alternative under Recreation has been updated to reflect the findings of the Searchlight Trails Study.

BLM right-of-ways are managed for multiple uses. Section 4.10.2.2-Proposed Action – 96 WTG Layout Alternative, indicates that sound levels for the NPS would be under 35 decibels which is in conformance with the NPS requested level. No wind turbines are directly adjacent to Cottonwood Cove Road. Five WTGs would be visible from the road. Access roads would be improved, providing access for OHV riding. Section 4.11.2-Direct and Indirect Effects by Alternative under Recreation has been updated to reflect the findings of the Searchlight Trails Study.

The DEIS states that there would be no change to the status of the ERMA or existing ROS classification, which includes “recreation in a natural setting, generally away from other human activities.” DEIS at 4-93. How anyone could state that 87 428-foot tall wind turbines will have no effect on recreational opportunities or classification status is puzzling. What would it take to constitute a change?

The third paragraph on page 4-93 does not comply with BLM’s obligation under NEPA that an EIS “shall be written in plain language ... so that decisionmakers and the public can readily understand them.” 40 C.F.R. § 1502.8. Could this paragraph be translated into plain English? When 12 months of construction, 37 miles of new road, and 87 428-foot tall turbines in a natural area is considered fine for recreation areas on public lands, there needs to be some interpretation done to convert this into “plain language.” Also, the altered environment and noise from turbines will eliminate the area for hunters. The change in the viewshed and noise level will not be palatable for hikers looking for a natural experience.

What does it mean when the DEIS states that “Construction activities would have minimal but permanent impacts on the trail”? DEIS at 4-94. Does this mean the trail will be obliterated? Is there an alternate route that could avoid this historic trail? The history of Nevada is not expendable. The same page mentions that “Access to the project area during O&M would not be restricted and 29 miles of new and improved road would allow for greater access to the area.” If the applicant requires an 886-foot safety set-back from turbines, how can the roads be used for recreation?

It is an understatement to say the project “could” have long-term impacts on the recreation setting and experience. DEIS at 4-94. Basically, the project will change the project area from pristine desert to a heavy industrial zone. The document states the project would “degrade the quality of the recreation setting.” This area is an important area for bighorn sheep, and the document states the project could have a negative effect on big game and upland game and wildlife habitat. Given the admitted degradation of the natural area, and negative effect on every aspect of the area, why would BLM consider any alternative other than the “No action” alternative?

The DEIS states that the project “... would not substantially impact the area’s potential for recreation opportunities ...” DEIS at 4-95. This statement is not believable. Even though the so-called “footprint” (where turbines, transmission towers, and access roads touch the ground) is small, the fact that the turbines and infrastructure are dispersed over thirty square miles—with noise and visual impacts that extend far beyond the “footprint” and indeed beyond the project site itself—betrays that statement. How can a 30-square mile project be deemed having “moderate residual impacts on the recreation setting and experience resulting from the long-term presence of WTG’s transmission lines, and access roads.” How can the presence of 430 foot tall turbines, generating loud noises, and destroying the viewshed, be considered “moderate”? If this is considered “moderate,” what does BLM consider “extreme”?

Section 4.11.2-Direct and Indirect Effects by Alternative discloses the proposed project effects on recreation. Construction of the proposed project would not close the area to hunters. Refer to Section 4.10-Noise Impacts for a discussion of noise effects.

Section 4.11.2-Direct and Indirect Effects by Alternative has been updated to reflect that the precise location of the Old Spanish Trail within the project area is unknown and no physical evidence of the trail exists on the ground. Therefore, no impacts to the trail would occur. The 886-foot safety set back is a standard design safety precaution to protect established structures and major thoroughfares. Access roads would be available for public use, although they could not approach too closely to the WTGs.

Comment noted.

The project only would permanently disturb 152 acres. The natural habitat surrounding the WTGs will be maintained to the extent possible and laydown and other construction areas will be returned as closely as possible to the pre-project condition.

E. The DEIS does not disclose and evaluate adequately the likely impacts to vegetation, special status plants, and noxious weeds.

The DEIS is also deficient because it provides inadequate and misleading information about rare plants. The botanical surveys for sensitive species plants were performed during a six-week period between March and May 2010. DEIS at 3-23. The botanical survey freely acknowledges that the “survey report can only represent the site as it was observed during the survey period(s).” 2010 Searchlight Botanical Survey at 6. However, this disclaimer is not mentioned in the DEIS itself. These springtime surveys detected no sensitive plant species. However, this is insufficient information from which to conclude that no rare plant species occur in the area that the project will affect. Varying and sporadic rainfall in this arid place means that certain species do not bloom during the few days of surveys, and some species only flower after summer rains. The DEIS is inadequate because it lacks late summer/early fall-flowering plant surveys on the proposed project site.

Approximately 40% of the plant taxa in the area of the project flower in late summer/early fall due to the location and bimodal precipitation regime. The spring surveys conducted would fail to detect and document most of these summer/early fall-flowering rare plants on site. Because of the vagaries of precipitation in the Mojave Desert, surveys should be performed over a number of years during both the spring and summer/fall flowering seasons in order to maximize the probability of identifying all special status species that occur on the project site. Projects of this size and potential impact should include more than two years of surveys. Without an accurate inventory of plant taxa that occur on site, it is not possible to fully assess project impacts to special status plants and therefore meaningful mitigation cannot be developed.

At least one of the figures provides incorrect identification of the species photographed. Figure 10 does not show Sahara Mustard and Phacelia, but rather *Sisymbrium irio* (another invasive mustard) and *Erodium cicutarium* (a major invasive). Given that *Penstemon bicolor* is known to occur just west and north of this site, it is likely to occur on the site but was not observable due to dry conditions or limited surveys. The surveys—featuring few botanists, meandering surveys, and pseudo-systematic sampling, and omitting fall sampling—likely undercounted species on the site. In light of the relative lack of botanical inventories of the southern Nevada region and the location near California and Arizona, influenced by the Colorado River and with expected affinities from the Sonoran Desert to the south, it is surprising that no new taxa for Nevada were identified. A new record in Nevada for plants from neighboring states would automatically fall on Nevada's watch list and be a species of concern.

The DEIS must disclose the amount and cycle of rainfall at the project site, which most years will be less than six inches, and also disclose the relationship between the amount of rainfall and the times of the surveys. BLM should conduct surveys during the fall as well as spring to identify the potential presence of sensitive plant species, and develop and disclose mitigation for the effects of construction and operation of the project on such plants. The DEIS states that no rare plant mitigation will be required because no rare plants were found on the surveys. Had rare plant surveys been conducted at the proper times, more rare plants may have turned up in the surveys.

Alphabiota Environmental Consulting conducted the botanical survey for this project according to BLM guidelines.

Comment noted. No change is required in the EIS.

The Eastern Mojave Desert is a botanical frontier where in the past few years alone, a number of very significant botanical finds have occurred and more are to be expected. For example, at least five species previously undocumented within the California Desert Conservation Area boundaries have been documented in the last few years near the project site in Nevada. Additionally, these species that are found on the “edges” of their range are incredibly important for species persistence¹³ especially in light of global climate change.¹⁴

Because of the lack of comprehensive surveys, the DEIS failed to adequately analyze the impacts that the proposed project would have on rare and special status plant species including direct, indirect and cumulative impacts to these plants and failed to adequately identify and evaluate potential alternatives that would avoid or minimize the impacts of the project on these species. In order to comply with NEPA, the BLM should revise or supplement the DEIS with this critical information and circulate it for public review and comment.

The DEIS includes only the most general description of the tremendous problem of invasive weeds. DEIS at 3-22, 4-25 to 4-26. For example, there is only an acknowledgement that the project’s construction and operation has the “potential for the introduction or proliferation of noxious weeds into the project area.” *E.g.* DEIS at 4-26. But there is no detail provided about what weeds or to what extent the project will be a cause of exacerbating the problem of weeds in the project area and surrounding lands. Weeds are one of the greatest threats to the natural environment, yet almost no data or analysis of weeds appears in the DEIS. Please evaluate the Declaration of ecologist Dr. Jonathan Gelbard, on the enclosed CD-ROM (including attachments),¹⁵ who describes that the spread of weeds is “recognized, virtually by scientific consensus, as one of the greatest threats to desert ecosystems.” Gelbard Decl. ¶ 5. The impacts of weeds on these ecosystems range from reductions in biodiversity and wildlife habitat, to changes in ecosystem processes such as fire frequency and hydrology, to increases in erosion and soil loss. *Id.* at ¶ 8–10. Roads serve as “major conduits” for the spread of invasive species because they are the “entry points for virtually all human impacts to terrestrial ecosystems.” *Id.* ¶¶ 11–12. The integral link between the presence of roads and the spread of weeds is well-accepted in the scientific literature. *Id.* ¶ 13 (and Table 1).

The DEIS does not evaluate the extent to which the roads created for construction and later maintenance of the project will lead to invasion of weeds into currently weed-free or low-weed areas, or cause the adjacent ACEC and other nearby lands to be more seriously impacted by invasive weeds. BLM must explain what the baseline conditions for weeds are in the area where

¹³ Leppig, G. and J.W. White. 2006. Conservation of peripheral plant populations in California. *Madrono* 53(3):64–274.

¹⁴ Kelly, A. E. and M.L. Goulden 2008. Rapid shifts in plant distribution with recent climate change. *Proc Natl Acad Sci USA* 105:11823–11826.

¹⁵ This Declaration was filed in federal court in *Oregon Natural Desert Association v. McDanel*, No. 09-369-PK, on July 23, 2010, a case in which BLM is a defendant.

Alphabiota Environmental Consulting conducted the botanical survey for this project according to BLM guidelines.

Impacts as a result of invasive weed species are discussed in Section 4.4.1.2 Direct and Indirect Effects by Alternative and Appendix B-1: Weed Management Plan.

These effects are described as a potential impact of the proposed project, which includes roads in Section 4.4- Biological Resources Impacts and Appendix B-1: Weed Management Plan.

the generation turbines, access roads, and transmission lines will be located. Without the baseline information about existing weed conditions, BLM cannot make a non-arbitrary decision about the effects of weeds from the project's construction and operation. The DEIS's discussion of mitigation, indicating there will be a weed management plan in place—which, of course, has not yet been developed, and therefore we cannot comment on—is inadequate because it does not analyze whether or not that plan will actually be effective in controlling weeds.

Finally, Table 2-7, MM-BIO-2 (DEIS at 2-47) says that yuccas and cacti salvaged from the project may be tagged for commercial purposes. All Joshua trees, Mojave Yuccas, and cacti should be kept on site, and *not* mulched, and not sold, and a special nursery area should be set up so that the plants can be transplanted on site or in the surrounding ACEC. The yuccas and cacti should be watered to keep them alive and used to revegetate the project site after decommissioning.

F. The DEIS does not disclose and evaluate adequately the likely impacts to wilderness values, wilderness areas, and other protected areas.

The DEIS does not discuss whether visual impacts from the construction and operations of the turbines (and noise impacts for the turbines closest to the Wilderness borders) violate BLM's non-impairment mandates under the Wilderness Act and FLPMA. Sound levels even up to a half a mile (approximately 600 meters) from wind turbines can be up to 50 to 70 dBA—approximately the loudness of a vacuum machine. Exhibit 25. Please quantify and evaluate the likely loudness of turbines areas with wilderness character, including the surrounding ACEC, to allow an accurate determination of whether conditions should be imposed on the ROWs requiring turbine setbacks from these areas to protect their character as wilderness and areas with opportunities for solitude and quiet recreation. Granting a ROW that allows construction of turbines that mar the viewshed and soundscape within areas containing wilderness values violates both the Wilderness Act and FLPMA. The proximity of a large, heavy-industrial project adjacent to ACECs, Special Management Areas, wilderness areas, and the Lake Mead NRA is not acceptable and not justified by the DEIS's paucity of disclosure of effects on these areas.

The DEIS notes (at 3-40) that there are six designated Wilderness Areas near the proposed project site. If BLM deemed these nearby areas worthy of preserving, as well as the ACEC that surrounds the site, why would the agency be considering destroying this area immediately adjacent to Searchlight? The turbines will be visible from several of the six wilderness areas, as well from as the Mojave Desert Preserve in California. How can these still areas still be considered wilderness if they are in proximity to heavy industrial development? Has BLM evaluated the visual impacts from this project in those areas, and what the noise impacts are? The DEIS contains no information about this. BLM should evaluate how the appearance during the daytime and at night of a large array of tall, spinning turbines will affect the visual resources and opportunities for solitude and primitive recreation in nearby areas that are designated as Wilderness or contain wilderness values.

Additionally, studies have shown that under certain atmospheric conditions, noise from wind turbines can be heard for 15 kilometers (approximately nine miles). This range would

Refer to Section 4.4.1-Vegetation and Table 2.6-2. Mitigation Measures. Specifically MM-BIO-2 has been updated to include current BLM Cactus and Yucca Salvage Plan standards.

Section 603(c) of the FLPMA states, "...the Secretary [of the Interior/BLM] shall continue to manage such lands according to his authority under the Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness ...". The effects of noise and visual effects were not determined to affect any of the nearest six Wilderness areas, located 5-12 miles from the proposed action, therefore the project would be in compliance with this FLPMA-mandated non-impairment standard

include the Sprit Mountain Wilderness Area. Please explain why these effects are not evaluated in the DEIS and please disclose and analyze these effects.

G. The DEIS does not disclose and evaluate adequately the likely impacts to social and economic values.

The socioeconomic impacts of wind turbines and transmission lines in potential renewable energy development go far beyond the value of the electricity produced by such projects or the construction, operation and maintenance jobs which may be created. While certainly beneficial in advancing our national quest for renewable energy and our important goal of reducing global warming pollutants, industrial-scale generation and long-distance transmission of renewable energy (as is the case with all industrial developments) will leave permanent impacts on the landscape which is an important economic driver in this region. The public lands that may be impacted by this proposed transmission project are important and valuable to all Americans. Development of these lands for energy transmission should be considered carefully and should account for all their potential values – both market and non-market.

Notably, the DEIS does not account for the costs associated with the project (including reduced or degraded recreation visitation and effects on property values from loss of open space), nor does the DEIS address the economic benefits associated with undeveloped public lands, does not assess an alternative which avoids undeveloped public lands in favor of private lands, does not explore the benefits of siting this project on previously developed, contaminated or degraded lands (brownfields), the DEIS fails to consider the non-market values affected by the project. The DEIS examines only potential jobs and income using IMPLAN (DEIS at 4-97) and does not assess the impacts of the proposed project on other sectors of the economy. Accordingly, the DEIS's conclusion that "the two action alternatives would result in favorable short-term and long-term effects for the local and regional economies," DEIS at 4-126, is unsupported by the evidence and analysis provided and is an arbitrary and capricious conclusion.

1. The DEIS fails to estimate net economic benefits.

The DEIS describes several purported socioeconomic benefits from the project, and then goes on to state that "[n]o adverse impacts to socioeconomic conditions are anticipated." DEIS at 4-110. However, NEPA requires a disclosure of *all* socioeconomic impacts—not only beneficial ones, and therefore the DEIS must include the costs associated with any activity. The *net* benefit of a project is not comprised solely of income and employment. It is absolutely impossible to estimate the *net benefits* of a project without including *all* costs, and to make such an assertion calls into question the credibility of the entire economic analysis. The DEIS does not allow a meaningful evaluation of the net benefits of the proposed project because it does not include any socioeconomic costs.

To address this error, BLM must reevaluate the proposed alternatives using transparent methodology which includes all the costs associated with the development. Any negative impact will inflict costs on at least some stakeholders. The DEIS ignores the long-term impacts that this

IMPLAN is the accepted standard for NEPA analysis.

Assessment and identification of impacts based on data, analysis, and documented impacts from past projects. This comment indicates confusion between very different economic concepts of impacts versus benefits. Comment contains speculation and cannot be documented.

project would have on real estate, property values and Searchlight's potential to grow as a tourism and retirement community. The DEIS needs to examine the boom and bust effect that this project will have. Just about all the construction jobs will go to workers from outside the local community. No local residents would get jobs. People will not visit Cottonwood Cove in the Lake Mead NRA as often, if at all. This industrial-scale energy project will only create five to ten full-time jobs. There is no information provided on the negative impacts the project will have on the local economy. The impacts to the existing economy must be disclosed, and analyzed, in the discussion of both socioeconomic impacts and environmental justice impacts.

In developing the socioeconomic analysis for development such as an industrial-scale energy generation and transmission project on or impacting public lands, BLM should favor those projects which provide the greatest *net* benefits to the American public. The analyses conducted in the DEIS for the Searchlight Wind Project are inadequate to assess net benefits because it does not account for the costs of the project. This is unacceptable.

Renewable energy development, like any industrial development sited on public lands, will have negative impacts on the lands on which the project is built and on surrounding public lands into which the effects of the project extend, and these impacts may be as great as those associated with other energy development. We do recognize that the production and use of renewable energy, if it replaces that of fossil fuel energy, will also have benefits. These include the lessening of greenhouse gas emissions from electricity production which, in turn, will be beneficial to undeveloped public lands by reducing the already measureable impacts of climate change.

At the same time, in light of climate change, undeveloped public lands are also increasingly important as a source of habitat for species impacted by climate change, as a source of forest and other vegetation which acts as a "carbon sink" and is thus important for mitigation of climate change. Undeveloped lands are also a source of increasingly scarce clean water and other ecosystem services. Any energy transmission projects (even those targeting renewable energy) sited on undeveloped lands (both public and private) will reduce these benefits. These costs should be included in a revised economic assessment of the project in order to do a complete analysis of net public benefits.

Please specifically describe and quantify the costs of the carbon dioxide offset that will be lost by the removal of cryptobiotic soil crusts and vegetation that would result from construction of the project.

BLM must make a quantitative assessment of all the costs associated with the proposed project. Because BLM must circulate a supplemental DEIS to address other deficiencies in the DEIS, this assessment should be included in the supplemental DEIS.

These costs include:

- Costs associated with impacts to wildlife, including desert tortoise, bighorn sheep, golden eagles, other raptors and other migratory birds, bats, and other wildlife;

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Section 4.12-Socioeconomic Impacts discloses impacts to socioeconomic conditions and has been updated to include potential effects on recreation and tourism. No negative impacts are anticipated. For further information see the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

Refer to Section 1.3.1-BLM's Purpose and Need for the Proposed Project and 1.3.3-Western's Purpose and Need. Maximizing net social benefit is not a requirement of NEPA.

NEPA does not include a provision for monetary evaluation of these resources.

- Costs associated with scenic and visual impacts;
- Costs associated with noise impacts;
- Costs associated with impacts to water;
- Costs associated with impacts to recreation, including the costs associated with potential damage from enhanced ORV access *if* access would truly be available along project roads, and the damage such access may cause to non-motorized recreation;
- Costs associated with invasive weeds and other impacts to vegetation, including the negative impacts of herbicide use;
- Costs associated with damage to cryptobiotic soil crusts and
- Costs associated with impacts to cultural resources.

Finally these costs should be assessed in a cumulative fashion, as they are often interrelated. BLM must assess the economic costs associated with these impacts and include the costs in a true analysis of net economic benefits.

2. The DEIS fails to consider the effects of the project on the town of Searchlight including effects on tourism and low-income and elderly populations.

The DEIS is replete with inaccurate or misleading data regarding socioeconomic effects. BLM must present accurate baseline information for its NEPA analysis to be valid. Please correct the following deficiencies in the Final EIS and in any supplemental DEIS.

The number of truck trips (9,025) for the Preferred Alternative will have a profound effect on tourism on Cottonwood Cove Road. DEIS at 2-33. Assuming even one-half of the truck trips are on that stretch of narrow (24-foot wide) paved road, this will have a direct conflict with tourists and particularly recreationalists towing their boats down this already dangerous stretch of road. According to the National Park Service, Cottonwood Cove has 300,000 visitors annually. The conflict between tourist traffic and construction traffic has the potential to be very deadly, and also to discourage visitors from visiting the Lake Mead NRA and the Searchlight area generally. How many people are likely to be killed from such encounters? There are traffic statistics and probability analyses readily available, and these are used elsewhere in the DEIS. Why has BLM not done more than refer to generalized potential for effects on tourism? BLM should analyze, and quantify, the likely impacts of construction and operation of the project on the presence and safety of tourists who would use Cottonwood Cove Road and the surrounding area.

Rather than using Mohave County, Arizona data, why wasn't data from portions of San Bernardino County, CA, used? DEIS at 3-92. The Colorado River presents an enormous physical and geographic divide between Nevada and Arizona. No roads cross the river between Hoover Dam and Laughlin, Nevada, a distance of more than sixty miles. Influence on and access to the project is more likely to occur from California than from Arizona.

Are these comparisons (in the DEIS) used because the same studies were done for the proposed White Hills Wind Farm in Mohave County, Arizona?

Refer to impacts and mitigation measures discussed in Section 4.7- Transportation Impacts.

Section 4.12 – Socioeconomic Impacts has been updated to include a discussion on impacts to recreation and tourism.

Comment noted.

The DEIS states the “physical energy infrastructure serving Clark County and would potentially provide electrical power to the region.” DEIS at 3-92. As of January, 2012, applicant did not have a power purchase agreement (PPA). The state of California is providing its own renewable energy. Arizona is on track to meet its RPS. If applicant does secure a power purchase agreement with a utility in another state, I fail to see how that will benefit the residents of Southern Nevada. Any tax benefits to the county and state would be offset by loss of wildlife habitat, loss of recreation opportunities, and the loss of rural lifestyle, no matter where the expensive wind power is sold.

The DEIS should be updated to reflect 2010 Census data rather than the obsolete 2000 Census data. DEIS at 3-92.

This DEIS provides an accurate description of the area. DEIS at 3-94. Particularly important is the recognition of Searchlight as “... the gateway to popular Lake Mohave in the Lake Mead NRA.” This further enforces the obvious conclusion that this area is not an acceptable site for an industrial scale wind energy generation facility. BLM should not grant the ROWs for this project.

For the discussion at DEIS page 3-94, once more, why is 2010 Census data not incorporated? If the projections for 2013 are based on data from 1990 through 2008, they are way off the mark. Population peaked in Clark County in approximately 2007-2008, and has since declined. DEIS should be revised to reflect actual Census data for 2010, and projections recalculated through 2015. BLM has ready access to this information and should disclose current information, particularly when making a decision for a project that would be a permanent fixture of the local environment for at least 30 to 50 years.

Once more, DEIS presents four-year old data. DEIS at 3-97. Re-do tables with 2010 Census statistics.

Use of data for housing prices from 2008 is totally erroneous. DEIS at 3-98. Furthermore, 2008 was a volatile year for the housing market, and the DEIS provides inadequate baseline information by failing to identify what month the price data relates to (or whether, instead, it is the median price for the year). This data is stale. Data on real estate pricing is readily available from many sources. For example, the median asking price for an existing home in Las Vegas in April 2012 is \$120,000. Exhibit 26. This is far closer to reality than the 2008 median value of \$284,094 listed for Nevada. In fact, Exhibit 26 shows that housing prices dropped nearly 50% from a median of \$238,858 in June 2008 to \$120,000 in February 2011 (one year before the DEIS was published), and have stayed almost the same since February 2011. Land prices in the Las Vegas area in mid-2011 had declined 83% from their peak at the end of 2007. Exhibit 27. The installation of an industrial-scale energy project would further depress an already-depressed housing market in the area, or at a minimum prohibit any recovery from the current lows. There is no explanation for why data that is more than three years old appears in the DEIS, and BLM must update this with current data accurately depicting the dire current conditions of the local housing market.

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Section 3.10-Socioeconomics has been updated to 2010 Census and 2016 projections.

Comment noted.

Why is no mention made of the tourists (non-gaming) who recreate at Lake Mohave? DEIS at 3-100. This includes boaters, fishermen, campers, hikers and also the eco-tourists who come to enjoy the quiet of the Joshua tree woodlands? These tourists eat in the restaurants, buy gas, and buy food at the convenience stores. This source of economic input will largely be lost forever if the turbine project is built. Searchlight is more than just casinos and a way to travel between Nevada, Arizona, and California.

Again, data should be specific to Searchlight, and be at least as current as the 2010 Census. DEIS at 3-101. A quick drive around the region will verify that actual Searchlight income is more like that of Bullhead City, Arizona. Many residents are totally dependent on Social Security for their income. The report does note that the SIA has more people with incomes below \$50,000 than the two-county region. Very possibly the incomes in 2012 are even lower than those reported for 2008, due to the decline of the economy in the entire nation, and particularly in the Southwest.

The graph on page 3-102 only extends to 2000. The report states that "Overall during this period (1970 to 2000) the relative level of prosperity in the region was improving." That may have been true then, but between 2007 and 2012 the economic bubble burst, and the economics of the region today is far different. Many local economists feel the bottom still has not been reached. Nevada has the highest unemployment in the nation. In December 2010, unemployment in the Las Vegas-Paradise metropolitan statistical area had risen to 14.9%, a new all-time high for the region. Exhibit 28. Until tourism rebounds this will not change. The DEIS presents a false picture of the baseline economic conditions and does not comply with NEPA's obligation to present high quality information, and BLM demonstrates no reason why it could not have used current data.

The DEIS notes that nearly 30% of all jobs in the Searchlight Project Impact Area ("SIA")¹⁶ are in the tourism sector, compared to less than 8% in the United States as a whole. DEIS at 3-102. In Searchlight proper, a whopping 56% of jobs depend on tourism services. If this project were built, it would create a few short-term jobs for out-of-town specialists, but in the long term would destroy the tourism in the immediate area. Therefore, the ROW should not be granted.

The temporary increase in construction workers is guaranteed to result in increased crime and auto accidents. DEIS at 4-96. Clark County and Searchlight infrastructure, including police, firemen and paramedics, are not prepared to handle these issues in a remote area. BLM must define "Result in a tax burden to local residents not offset by the Proposed Action's generation of new public revenue." Searchlight is not incorporated, and taxes are set by the state and county.

¹⁶ Defined on page 3-92 as an area of about 2,052 miles of land encompassing 18 census tracts that will most likely be affected by the project.

Section 4.12 – Socioeconomic Impacts has been updated to include a discussion on impacts to recreation and tourism.

Section 3-12-Socioeconomic Impacts has been updated to 2010 Census.

SIC codes end in 2000, causing end to that data series. Data updated to 2010 Census and current conditions wherever possible.

Comment noted.

Refer to Section 4.12-Socioeconomic Impacts under the Fiscal Impacts.

Using the methodology for calculating “benefits” from the project, we gather the following: Clark County may benefit, but the people of Searchlight will suffer. Searchlight’s economy for years has been dependent on tourism. This project will effectively destroy tourism at Cottonwood Cove for one to two years. The increased revenues from feeding and housing the construction workers during that period is unlikely to replace the tourism dollars. The increased spending resulting from the project will occur in Las Vegas, Laughlin, Bullhead City, and even more distant sources of supply. Land Lease payments made to BLM go to the U.S. Treasury; sales tax goes to the state; property taxes go to the county and state. Searchlight will be left worse off economically and “social benefit-wise” than before the project.

The one group that will directly benefit from the project is the shareholders of Duke Energy. CEO James Rogers has been quoted as saying, when asked why Duke invested in wind projects, that wind projects guarantee Duke Energy from 17 to 22 percent return on equity. This is particularly obscene, when one considers the damage to the people of Searchlight and the desert environment surrounding the town. The National Legal and Policy Center has documented Duke’s investments and government aid it receives for renewable energy projects. Paul Chessser, Taxpayers Get Hosed on Duke’s Energy Wind Farm Buying Spree, National Legal and Policy Center, Aug. 4, 2011, available at <http://nlpc.org/stories/2011/08/03/duke-energys-lucrative-wind-farm-buying-spree> and attached as Exhibit 29.

Also, the location of the project surrounding the town on three sides will prevent future growth for Searchlight. The project is a “lose-lose” for the Searchlight and its residents.

The DEIS states a 2008 economic model for Clark and Mohave counties was used. DEIS at 4-97. That was four years ago. What would a current economic model show? Also, the royalty lease payments to BLM will go to the U.S. Treasury, Washington, D.C., so that is not a benefit to Searchlight or to Nevada. *Id.*

The property tax and sales tax abatements provided by the state and county for renewable energy projects are not an argument in favor of the project. *Id.* A business not eligible for these lucrative tax abatements would result in more tax resources for the state and county. Renewable energy should be considered a tax drain, not a cash cow.

The statement “The land would retain its rural desert qualities, and the habitats supporting ecosystems and species would not be altered from project-related encroachments,” is true, under the “No Action” alternative. DEIS 4-98. In addition, the people of Searchlight and the surrounding area could continue to enjoy their rural lifestyle; tourists could continue to find enjoyment in the natural environment surrounding Lake Mohave. Native Americans could continue to visit and worship at sacred Spirit Mountain without the beauty of the nearby desert having been destroyed; Searchlight residents could continue to enjoy the beautiful views of Spirit Mountain and Lake Mohave, and enjoy stargazing under the dark, quiet night skies. Eagles, bats, tortoises, desert bighorn and other wildlife could continue to survive in their natural habitat.

The balance of the paragraph regarding the “No Action” alternative has statements that are unbelievable and supported by nothing but wishful thinking “. . . final end-use retail

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Speculative. This comment indicates confusion between very different economic concepts of impacts versus benefits.

Comment noted.

Comment noted.

The economic linkages contained in IMPLAN models are quite stable, i.e. the set of inputs required producing a good or service changes little over a four-year period. Prices are adjusted to 2011 dollars. Royalty lease payments are not included in direct impacts. Note total operations annual budget of \$8.15 million and total local expenditures (or direct impacts) of \$2.95 million in EIS Table 4.12-3. Summary of Project Annual Operations Expenditures for 96 WTG Layout Alternative.

The EIS is merely disclosing the information on tax abatements, not defending it.

Comment noted.

This sentence has been removed from the EIS.

consumers would not experience any positive sense of social well-being because this alternative would not involve construction and operation of the wind energy facility and delivery of emission-free power.” BLM must provide quantitative data that explains how the end-user will know which electrons are being used and how and where they were generated when he turns on his light switch? This would be an enlightening study.

It is further stated: “The socioeconomic well-being of project construction and O&M workers and suppliers to the renewable energy industry would not be favorably affected under this alternative since the Proposed Project would not be built and operated.” Again, please quantify the socioeconomic impact of something that never happened—or provide the consumer surveys regarding the Searchlight Wind Project that were collected and used to make this statement.

What would no doubt be measurable would be the improved attitude of the local people whose lives and environment are not damaged by this proposed project. Thus, the No Action alternative would have very positive socioeconomic impacts in the immediate areas of Searchlight, Cal-Nev-Ari and Cottonwood Cove. There would also be no need to count dead eagles and other dead birds, dead bats, and dead tortoises under the No Action alternatives.

Why is so much emphasis placed on the “social well-being” of transient construction workers, and so little emphasis placed on the “social well-being” of the long-time residents of the area who love their rural life style? DEIS at 4-100. The construction workers would have 8-12 months of “social well-being,” while the permanent residents would be sentenced to looking at and listening to 428-foot tall turbines for the rest of their lives.

Has an agreement been struck with Duke Energy to confirm their agreement with the figures presented? DEIS at 4-110. Duke Energy has a history of challenging their tax bills. The states of Wyoming and Ohio have had difficulties collecting property taxes from Duke Energy. Dustin Bleizeffer, Duke Energy Disputes Taxes, Casper Star-Tribune (Sept. 5, 2010), *available at* http://billingsgazette.com/news/state-and-regional/wyoming/article_584efb76-b88e-11df-b372-001ec4c03286.html and attached as Exhibit 30. Please also refer to the video news report regarding the dispute in Ohio: http://www.clipsyndicate.com/video/play/1571412/duke_energy_reaches_temporary_agreement_on_tax_dispute

Finally, the DEIS incorrectly asserts that there are no environmental justice issues involved in the development of this project. DEIS at xvii. However, given the high number of low income senior citizens who cannot afford to move, why is this group not considered a “minority population” whose status should be considered?

Figures regarding low-income populations were calculated using 2000 Census Data. DEIS at 3-106. This data is entirely too dated to use for Nevada demographics. There has been a great deal of change in the economy and population of Searchlight since 2000. A letter approved at a recent meeting of the Searchlight Town Advisory Board (“STAB”), supporting funding of the “Silver Rider” public transportation system, noted that “[p]ublic transportation is vital to the

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Comment noted.

The existing setting describes the current conditions. The impact analysis presented in Section 4.12-Socioeconomic Impacts, compares the build alternatives with a no build option; the No Action.

Social well-being is addressed in Section 4.12.2.2-Proposed Action -
— 96 WTG Layout Alternative under Local Private Land
Owners/Residents/Large Lot Owners.

Comment noted.

Only minority, tribal, and low-income populations are examined in environmental justice. Seniors cannot be documented as a group to be low-income. The EIS has been updated to utilize 2010 Census data.

Table 3.13-1. Estimated 2010 Families with Incomes Below National Poverty Level has been updated to 2010 Census data. (Zero persons in Searchlight CDP were documented living under poverty in 2010.)

community of Searchlight, particularly in these difficult economic times. Searchlight has a high population of senior citizens, as well as low-income residents, who are public transit dependent.” January 11, 2012 STAB Minutes at 3 (on enclosed CD-ROM). These facts are not reflected in the DEIS. BLM needs to redo calculations using 2010 Census data. The table on page 3-106 showing the estimated 2008 number of families with incomes below the national poverty level should be revised using, at a minimum, 2010 Census data. Searchlight and the State of Nevada have suffered significantly during the recession that began in 2008, so even the 2008 estimates are no longer representative of conditions in 2012. More current data may reflect an entirely different socioeconomic status. The many elderly, low income people could not afford to move away from an operating industrial wind energy project at Searchlight, even if it was impacting their health and well-being.

The DEIS notes that Cottonwood Cove Road passes by some of the newer homes in Searchlight. DEIS at 4-122. Please note that very few of these homes were ever sold. The developer went bankrupt, and the empty homes are now bank-owned, and priced at approximately one-third of the original asking price. The possibility of the homes being in the proximity of an industrial wind energy project has contributed to the low asking prices. Realtors are obligated to inform potential buyers of the plan for an industrial wind project nearby. The DEIS states that “no negative impacts on property values from construction and O&M of the 87 WTG Layout Alternative could be documented.” DEIS at 4-112. This statement is incorrect. Studies in other states and in Canada have proven that values of private property land within sight of wind turbines are immediately devalued by at least 30 and up to 40 percent. See Exhibits 31 and 32.

Finally, the DEIS fails completely to disclose and discuss the impact of the project on the local community as evidenced by essentially unanimous local opposition to the project. The extent of this opposition, and the deleterious effect the project would have on the local community, are important factors that the decision maker should consider before approving this project. As one commenter put it, “[w]hile it was once rare that local citizens would organize opposition to utility-scale wind projects this early in the permitting cycle, it is now increasingly the norm throughout the country.” Roopali Phadke, *Resisting and Reconciling Big Wind: Middle Landscape Politics in the American West*, at 755 (on enclosed CD-ROM). The Phadke article provides a thoughtful description of the impacts of industrial-scale energy projects on local communities that must be disclosed and evaluated before BLM issues ROWs for this project, with a particular focus on the impacts of the Searchlight project. See also Susan Lorde Martin, *Wind Farms and Nimbys: Generating Conflict, Reducing Litigation*, *Fordham Env'tl. L. Rev.* 20, Nos. 2 & 3 (Winter 2010): 427-68 (highlighting the Searchlight project and describing the unanimity of local opposition) (on the enclosed CD-ROM).

3. The DEIS fails to estimate the benefits of protected lands for the local economy.

The mere presence of undeveloped public lands and the natural and recreational amenities that they provide produce measurable economic benefits for local communities. Development of the project will dramatically reduce these benefits, which should be assessed in

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Section 4.12-Socioeconomic Impacts has been updated to include potential effects on recreation and tourism. For further information see the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

Comment is speculative. The EIS describes impacts judged likely after project construction, not impacts anticipated by some prior to construction.

IMPLAN is the accepted standard for NEPA analysis. Tourism and Recreation businesses are included. The set of amenities available to potential amenity in-migrants is not judged to have changed substantially as a result of this project. Section 4.12-Socioeconomic Impacts has been updated to include potential effects on recreation and tourism. For further information see the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

the Final EIS and any supplemental DEIS. The impacts on undeveloped lands represent a significant class of costs that must be addressed.

The economic benefits of undeveloped lands for local economies is well documented and has grown in importance as the U.S. moves from a primary manufacturing and extractive economy to one more focused on service sector industries. This shift means that many businesses are free to locate wherever they choose. The “raw materials” upon which these businesses rely are people, and study after study has shown that natural amenities attract a high-quality, educated and talented workforce – the lifeblood of these businesses.

As the economy of the West evolves, public lands, especially areas protected from development, are increasingly important for their non-commodity resources – scenery, wildlife habitat, wilderness, recreation opportunities, clean water and air, and irreplaceable cultural sites. A vast and growing body of research indicates that the economic prosperity of rural Western communities depends more on the natural amenities found on public lands and less on the extraction of natural resource commodities.¹⁷

New residents in the rural West often bring new businesses, and these are rarely tied to resource extraction or other development on public lands. Some are dependent directly on the recreation opportunities on the surrounding public lands. Entrepreneurs are also attracted to areas with high levels of natural amenities. The Federal Reserve Bank of Kansas City has found that the level of entrepreneurship in rural communities is correlated with overall economic growth and prosperity (Low 2004). These businesses may be harmed or deterred if the quality of the scenic and natural amenities is degraded due to renewable energy developments. The Final EIS for the Searchlight Wind Project must assess the value of undeveloped public lands and include criteria which will ensure that the economic role of these lands is not deterred when these renewable energy developments and any associated transmission lines are constructed.

Retirees and others who earn non-labor income are also important to rural western communities. Investment and retirement income makes up 31.9% of total personal income in Clark County and 33.7% in Nevada.¹⁸ If this income were considered an industry it would be nearly as important as tourism, and—like tourism—is likely to be negatively impacted by the proposed transmission project. Retirees are attracted by natural amenities that are available on undeveloped public lands. The potential impact that the development of the project will have on

¹⁷ See Whitelaw and Niemi 1989, Rudzitis and Johansen 1989, Johnson and Rasker 1993 and 1995, Freudenburg and Gramling 1994, Snepenger et al. 1995, Deller 1995, Power 1995 and 1996, Bennett and McBeth 1998, Duffy-Deno 1998, McGranahan 1999, Nelson 1999, Rudzitis 1999, Morton 2000, Lorah 2000, Rudzitis and Johnson 2000, Deller et al. 2001, Johnson 2001, Shumway and Otterstrom 2001, Lorah and Southwick 2003, Rasker et al. 2004, Holmes and Hecox 2004 and Reeder and Brown 2005, Sonoran Institute 2006, and Barrens et al. 2006 and Haefele et al. 2007.

¹⁸ Source: U.S. Department of Commerce, Bureau of Economic Analysis, Regional Economic Information System (<http://www.bea.gov/>). Figures are for 2009, the most recent year available with this detail.

IMPLAN is the accepted standard for NEPA analysis. The set of amenities available to potential amenity in-migrants is not judged to have changed substantially as a result of this project. Section 4.12- Socioeconomic Impacts has been updated to include potential effects on recreation and tourism. For further information see the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

this source of income and economic activity must be accounted for in the Final EIS and any supplemental DEIS.

Growth in the professional and service sector is also tied to the natural and other amenities in the area. Protected public lands in the region enhance the West's attractiveness for both skilled workers and employers. Protected public lands provide indirect support for local and regional economies, a fact that is increasingly being recognized by communities throughout the West. These lands provide a scenic backdrop, recreation opportunities and a desirable rural lifestyle, and many other tangible and intangible amenities that attract new residents, businesses and income to the rural West. Many businesses are able to conduct national or international commerce from any location they choose. Other entrepreneurs simply choose to live in a particular place and build businesses in response to local needs. Research conducted by The Center for the Study of Rural America, at the Federal Reserve Bank of Kansas City (the Rural Center) has found that entrepreneurship is a strong indicator of rural economic health (Low 2004, Low et al. 2005, Thompson et al. 2006). The Rural Center has included entrepreneurship along with several other indicators of rural economic potential into a set of Regional Asset Indicators (Center for the Study of Rural America 2006a). These indicators include the natural and human amenities of a region – many of which are closely tied with undeveloped public lands (Weiler 2004).

Nevada and Clark County both have levels of human and natural amenities which are higher than the national average due in part to protected and undeveloped public lands. This is even more true near Searchlight, where the vast majority of public lands in the vicinity of the town carry some sort of protected status. The role of these lands in these areas' economy and the potential impact of project and associated generation development must be addressed in the Final EIS and any supplemental DEIS.

Research into what motivates entrepreneurs and businesses to choose particular locations consistently finds that amenities and quality of life top the list (Rasker and Hansen 2000, Snepenger et al. 1995, Rasker and Glick 1994, Whitelaw and Niemi 1989). Developing the proposed energy transmission project on undeveloped public lands may hinder the impacted communities' ability to attract more small businesses into the region to further enhance this sector.

These findings together point to the value of public lands to strong local economies. The impacts of development of the proposed project on these lands must be addressed in the Final EIS. To site generation and transmission, even for renewable energy development, in a way that impairs these natural amenities would be short-sighted at best. The Final EIS and any supplemental DEIS should address this issue and provide detailed criteria to protect the economic benefits associated with undeveloped public lands.

The socioeconomic analysis in the Final EIS must also adequately address the potential impacts on the quality of life for residents of communities that will be impacted by the transmission development. The quality of life in many communities with abundant protected public lands is often tied inextricably with those lands. Any negative impacts on these lands from

IMPLAN is the accepted standard for NEPA analysis. The set of amenities available to potential amenity in-migrants is not judged to have changed substantially as a result of this project. Section 4.12-Socioeconomic Impacts has been updated to include potential effects on recreation and tourism. For further information see the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

Section 4.12-Socioeconomic Impacts has been updated to include potential effects on property values.

transmission development may deteriorate aspects of the western quality of life. As discussed above, such a decline will create more than simply emotional or psychological impacts. Areas with high quality of life are better able to attract the entrepreneurs, skilled and creative workers, retirees and others who are important economic drivers of many western communities.

This development will also likely have impacts on local private property values due to the loss of local open space. There is a large body of work which looks at the positive impacts of open space and protected public lands on property values.¹⁹ These studies can be applied to infer the inverse decline in property values associated with the loss of protected public lands and open spaces that may occur when energy transmission facilities are sited on such lands. Numerous studies show that there is a positive correlation between property values and open spaces and protected public lands. McConnell and Walls (2005) provide a good overview of both property values and non-use values associated with open spaces. All of these studies provide empirical evidence of the potential losses to western citizens from the conversion of open space to industrial use. Given that the proposed energy transmission development will impact public land and open space throughout the area, it is likely to have negative impacts on the property values in the region. It is especially important to estimate this impact on landowners who are not being compensated for direct use of their property.

BLM must include a thorough examination of the full socioeconomic impacts likely to occur if the proposed energy transmission project impacts undeveloped lands. Suggested analyses and sources of data can be found in *"Socio-Economic Framework for Public Land Management Planning: Indicators for the West's Economy"* on the enclosed CD-ROM

The Final EIS and any supplemental DEIS must also include an assessment of impacts on the local quality of life that are may result from the development of energy transmission on surrounding public lands. The potential resulting economic impacts of any decline in quality of life must also be assessed in order to fully evaluate the proposed development.

The Final EIS and any supplemental DEIS should include a quantitative analysis of the impacts on residential property values due to the loss of open space and undeveloped public lands from the development of the proposed energy transmission and associated generation.

4. The DEIS economic analysis failed to account for non-market costs and benefits.

One of the most important purposes of public lands, including those administered by the Bureau of Land Management, is the provision of public goods or non-market goods. Opportunities for solitude, outdoor recreation, clean air, clean water, the preservation of

¹⁹ Several examples of studies of the impact of open space on property values include Earnhart (2005), Bengochea-Moranco (2003), Espey and Owosu-Edusei (2001), Bolitzer and Netusil (2000), Lutzenhiser and Netusil (2001), Geoghegan et al. (2003), Geoghegan (2002), Acharya and Bennett (2001), Irwin (2002), Tajima (2003), Luttik (2000), Loomis et al. (2004) and Breffle et al. (1998).

Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. A literature review on property value impacts has been added in Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

Although the BLM has reviewed the document provided, IMPLAN is the current accepted standard for NEPA analysis.

“Quality of life” is composed of many elements including noise, visual, recreation etc., all of which are discussed throughout Chapter 4.0-Environmental Consequences

wilderness and other undeveloped areas would be underprovided if left entirely to market forces. The proposed generation and transmission project will most certainly have an impact on the level of non-market benefits associated with the Piute-El Dorado ACEC, the Lake Mead NRA, and other protected lands possessing opportunities for solitude and quiet recreation in the vicinity of Searchlight.

The assessment of the socioeconomic impacts in the FEIS and in any supplemental DEIS for the proposed project must account for the non-market values associated with undeveloped wild lands. The BLM has an inherent responsibility to see that these lands are not impaired in order to ensure that the public goods they produce continue to be provided and in quantities that meet the demand of all U.S. citizens.

Non-market values have been measured and quantified for decades. There is a well-established body of economic research on the measurement of non-market values, and the physical changes (which result in decreases in the source of these values) brought about by development are very easy to measure quantitatively.

This analysis is especially important when considering actions which would degrade or damage undeveloped lands since these lands produce benefits and values that are seldom captured in the existing market structure. The literature on the benefits of wilderness and other undeveloped lands is well-established and should be used by BLM to estimate the potential value of these lands where the project is proposed and the surrounding areas that will be affected by the project. Krutilla (1967) provides a seminal paper on the valuation of wilderness and has led the way for countless others who have done additional research all providing compelling evidence that these lands are worth much more in their protected state. Morton (1999), Bowker et al. (2005), Krieger (2001) and Loomis and Richardson (2000) provide overviews of the market and non-market, use and non-use values of wilderness and wildlands. See Walsh et al. (1984), Bishop and Welsh (1992), Gowdy (1997), Cordell et al. (1998), Loomis and Richardson (2001) and Payne et al. (1992) for several more examples.

Peer-reviewed methods for quantifying both the non-market and market costs of changing environmental quality have been developed by economists and are readily applicable to solar energy development. For a catalog of these methods see Freeman (2003). For a complete socioeconomic analysis, BLM should adapt these methods to conditions in the impacted areas to obtain a complete estimate of the economic consequences of the proposed transmission development.

BLM must measure and account for changes in non-market values associated with the proposed energy development. To do otherwise omits a very important socioeconomic impact that would directly result from this development. The analysis must assess the non-market economic impacts to all Americans, including the passive use values of undeveloped public lands.

5. The DEIS relies entirely on economic base models to predict economic impacts.

The use of economic base models such as IMPLAN in Section 4.12 (socioeconomic impacts) is insufficient to predict future economic impacts from the development of industrial-scale energy generation and transmission facilities. While these models can be useful as a tool to develop static analyses of the regional economy, the BLM and local communities potentially impacted must be aware of the shortcomings and poor track record of such models as predictive tools. Economic base models do not consider the impacts of many important variables that affect regional growth in many rural communities, especially in the West. Attributes such as natural amenities, high quality hunting, fishing and recreational opportunities, open space, scenic beauty, clean air and clean water, a sense of community, and overall high quality of life are not measured or accounted for in economic base models, however these amenities are associated with attracting new businesses and migrants as well as retaining long-time residents. For example, many residents of rural Nevada communities (both long-time and new) earn retirement and investment income, and while it is technically possible, most economic base models completely fail to consider the important economic role of retirement and investment income.

Many economists have offered constructive critiques of the such models. See for example: Krikelas (1991), Tiebout (1956), Haynes and Horne (1997), Hoekstra, et al. (1990), Richardson, 1985 and the Office of Technology Assessment (1992). The ease of data acquisition for estimating the impacts of manufacturing, construction and resource extractive sectors combined with the difficulty of estimating the impacts of recreation and tourism underscores the potential bias favoring development in economic base models. The concern over the accuracy of these models combined with concern over the use of such models for planning, suggests that it is not only inappropriate but a disservice to rural communities to rely on economic base analyses to estimate the economic impacts of public land management on rural communities.

The estimated effects of the one-time payment to landowners should not be included with the effects estimated for project employment. The Final EIS and any supplemental DEIS should show exactly what the multipliers being used are and should separate these two effects for all alternatives and the common impacts (the same transparency is necessary for the income effects). Furthermore, this analysis of employment and income does not consider the potential adverse impacts on other local businesses and industries (such as recreation and tourism) which will likely be impacted by the construction and operation of the project.

The analysis performed for the Final EIS must not rely solely on IMPLAN or on other models derived from economic base theory to predict the economic impacts of energy transmission development. When such analysis is used, the impacts on other economic sectors (recreation and tourism especially) must also be analyzed, and these changes should be presented to show net gains/losses due to the proposed development.

As we have discussed above, the relationship between public land management and local and regional economic prosperity and growth is far more complex than these models assume, and given the potentially significant impacts on many of the region's public lands, use of such

IMPLAN is the accepted standard for NEPA analysis.

The proposed project does not have a provision for a one-time payment to landowners. Tourism and recreation businesses are included in the IMPLAN model.

models in the DEIS has resulted in an incomplete and inadequate analysis of the socioeconomic impacts.

Furthermore, where IMPLAN is used to project income and employment effects all multipliers and all assumptions used to derive them must be provided for review.

H. The DEIS fails to adequately evaluate impacts to cultural and archeological resources, including impacts of development on sacred sites.

The DEIS states that the cultural report is “in progress.” DEIS at 1-15. Accordingly, the DEIS fails to present relevant information about the utility-scale wind project’s impacts to cultural resources. The DEIS makes clear that the area within which the project would be built has spiritual significance to several tribes, DEIS at 3-36, and in particular that Spirit Mountain, about 10 miles south of the project site, has special significance to the Yuman tribes. The project is in the viewshed of Spirit Mountain. The area also has spiritual significance for the Colorado River Indian Tribes (Mohave, Chemehuevi, Hopi and Navajo). Spirit Mountain was added to the National Register of Historic Places in 1999. The mountain, considered the beginning of creation, is so sacred to Indian tribes in Nevada, California, Arizona and Mexico that background from its application for the national listing is not available to the public, even through a Freedom of Information Act request.

However, the DEIS does not disclose how the project will affect these cultural resources. DEIS at 4-38 to 4-40. The DEIS has not demonstrated that BLM has complied with Section 106 of the National Historic Preservation Act (“NHPA”), 16 U.S.C. § 470(f), and related regulations, 36 C.F.R. §§ 800 *et seq.*

The purpose of the NHPA is to preserve the history and prehistory of this country and protect for future generations the historical and cultural resources that are part of the Nation’s heritage. Section 106 requires federal agencies to consider the impact of their “undertakings” on historical properties:

Section 106 of NHPA is a “stop, look, and listen” provision that requires each federal agency to consider the effects of its programs. . . . Under NHPA, a federal agency must make a reasonable and good faith effort to identify historic properties; determine whether identified properties are eligible for listing on the National Register based on criteria in 36 C.F.R. § 60.4; assess the effects of the undertaking on any eligible historic properties found; determine whether the effect will be adverse; and avoid or mitigate any adverse effects.

Muckleshoot Indian Tribe, 177 F.3d at 805.

The existing documentation provides no evidence that BLM complied with Section 106. There is no indication that BLM adequately consulted with members of the interested public, including potentially affected tribes or tribal members. *See* 36 C.F.R. § 800.4(a) (requiring BLM to “determine and document the area of potential effects, as defined in [36 C.F.R.] § 800.16(d),”

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The cultural resources report has been completed and Native American consultation has been conducted. The results of the cultural inventory and tribal comments are summarized in the Final EIS. Views from Spirit Mountain and impacts are discussed in Section 3.9-Visual Resources 4.9-Visual Resource Impacts, and Section 5.2.5-Native American Consultation.

identify historic properties, and to affirmatively seek out information from the State Historic Preservation Officer, Native American tribes, consulting parties, and other individuals and organizations likely to have information or concerns about the project's potential effects on cultural properties). BLM should comply with the requirements of the NHPA and disclose information about effects on cultural resources to the public.

To adequately address impacts to cultural resources, and comply with the NHPA and NEPA, BLM must evaluate (in its NEPA document) how the project will impact significant cultural and traditional landscapes of the Chemehuevi and other tribes. Will the remaining five sites identified as NHPA-eligible be evaluated prior to any construction taking place? DEIS at 3-35. Elders from the Mohave and Chemehuevi Tribes have stated to us that they have not had the opportunity to walk the proposed project site to identify cultural resources. Both are in agreement that there are ancient trails transecting the site. Have these trails been identified? Further investigation and mapping of trails and prehistoric sites in the area should be performed. A regional assessment of trail systems, archaeological sites, sacred sites, viewsheds to sacred landmarks such as Spirit Mountain should be undertaken. Oral histories of local tribal members should be recorded to gain an understanding of the impacts of the industrial-scale wind project to an area which is significant to them. More outreach to the Colorado River Indian Tribes needs to be done, to insure that sacred, historical and unmapped archeological sites are not damaged or destroyed.

The DEIS states "... Five sites identified as NRHP eligible are located within proposed road routes or tower locations and may receive direct impacts from project related construction activities." DEIS at 3-26. Will the proposed roads or turbines be relocated to prevent destruction of these sites? If not, why not? Is the history of the region that unimportant to the applicant, which has no ties to the southern Nevada area?

I. The DEIS fails to give adequate consideration to likely impacts to water resources.

The DEIS provides little concrete information about the impacts to water resources. Why has BLM not provided an estimate of the *total* amount of water that would be used by this project? Some of the estimates that appear in the DEIS seem to be related to other similar projects, not estimates directly from Duke applicable to the needs of this project.

In describing the features common to both action alternatives, the DEIS states the water will come from the Searchlight Municipal Water System. DEIS at 2-27. Where are the fire hydrants that the contractor will use? These are not identified in the DEIS. How will traffic to the water hydrant(s) be controlled? Will this public water system be over-drawn by the contractor's use of water? What guarantee is there that using this amount of water won't result in the town being short of water? BLM must disclose whether the *actual* projected use of water for this project will cause water shortages for the citizens of Searchlight.

The project would take its water from the Searchlight Water System "or another existing water right in the Searchlight area." DEIS at 4-15. However, it appears that the water rights to

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The sites are evaluated in more detail in the cultural resources report. The Class III cultural resources survey was conducted within the Area of Project Effect (APE), currently defined as the potential disturbance area plus a 200-ft. buffer around all new and existing access roads, transmission lines and project facilities. Most of the sites found in the project area relate to historic mining activities that took place in the early 20th Century. Only six sites were prehistoric with seven being primarily historic mining sites with one prehistoric artifact or feature. No physical trails were located during the cultural resources investigations or reported by the Tribes consulted. A Memorandum of Agreement (MOA) between the BLM and the Nevada State Historic Preservation Office will address mitigation measures. Consultations between the BLM and the tribes began in 2009 and have continued through the NEPA process. Comments received are summarized in the Final EIS. An ethnographic/ethnohistoric study is a mitigation measure (MM CR-2).

Section 4.3.2.2-Proposed Action – 96 WTG Layout Alternative and Section 4.3.2.3-87 WTG Layout Alternative have been updated to include water usage estimates for construction of the wind facility. Western will estimate the actual water demand during the ensuing phases of the NEPA process.

In the event that SWS will provide the water for this project, SWS staff will determine the actual source connection. SWS technical staff will determine the volume and rate of water that can be provided to this project. As with most other water rights holders, SWS cannot exceed its duty.

In addition to SWS resources, there are approximately 620 acre-feet of existing rights, of which 311 are quasi-Municipal. The Applicant will coordinate with the Las Vegas Valley Water District to support the water needs for the project. If sufficient resources are not available, the Applicant will procure water from local willing sellers

groundwater may not be readily available. DEIS at 3-16. BLM has not disclosed the total amount of water the project will need, or whether it will be possible to obtain the rights to such water. BLM should disclose information about Duke's proposed water rights purchases and transfer applications for public review. Without accurate information about the potential to obtain rights to the needed water (or accurate information about the amount of water needed), BLM cannot make a non-arbitrary decision to approve the ROWs for the project.

The DEIS notes that there are several private wells within the project area. DEIS at 3-15. What effect might the blasting have on these wells? People who have residences in this area and have installed private wells have spent a great deal of money to develop the wells on their property. Will Duke compensate residents whose wells are damaged or destroyed by the blasting? In addition, the DEIS notes that the springs listed are an important source of water and habitat for wildlife. *Id.* One laydown area and a substation are shown directly across Cottonwood Cove Road from Boat Tank Spring. What effect will the construction phase, and the long-term operation of the project, have on the wildlife that is dependent on this spring? Why are the aforementioned structures placed in such close proximity to a spring that is vital to survival of the areas wildlife? What mitigation will BLM require to protect the spring?

Assuming that the contractor will get water for the project from the Searchlight Water System/Las Vegas Valley Water District, how will this affect the quantity of water available for the residents of Searchlight over the long term? *See* DEIS 3-15. Water is at a premium throughout southern Nevada. What is the probability that the use of water required to build this project; i.e., dust control, concrete mixing, etc., would leave Searchlight Water System without enough water to provide for its residents?? Water levels in the community well at the nearby town of Cal-Nev-Ari have dropped dramatically in recent years. There has not been enough precipitation in the area to recharge the aquifer. As noted in Paragraph 3.3.2.5, the committed water resources in the region are many times greater than the rate of recharge.

In terms of the impacts to water resources, the DEIS provides no concrete information about the overall projected water usage or its actual likely impacts to local water users. Rather, it makes only improper, general statements about impacts. For example, the DEIS states "The Proposed Action *would* affect water resources *if* it . . . Decreases groundwater supply . . ." DEIS at 4-14 (emphasis added). This is not speculative: there is a high likelihood this would occur. Not only would there be heavy water usage for construction and dust mitigation, but continued water use as the many miles of road will require ongoing maintenance and dust control. BLM must quantify the amount of water that would be used, and then evaluate what that will do to other water users in the area. In addition, will water be used to control dust on the areas stripped of vegetation for fire breaks? Once the natural vegetation is stripped, the area will become a prime area for infestation of non-native plants and noxious weeds. The only logical conclusion that BLM can arrive at to preserve the existing ecology of the area, as well as preserve the rights of the people who live in the area to have access to an adequate supply of potable water, is to adopt the "no action" alternative. DEIS at 4-14.

At page 4-15, the DEIS states that approximately 30 acre feet of water would be used for dust control, concrete mixing, etc. Will this over-draw the Searchlight Water System? According

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Refer to Section 3.3.2.4-Groundwater Resources for the proximity of wells to the project area. Considering the distance from the construction site to the wells, the engineered blasting should have no effect. Liability clauses will be in place for the unlikely event that there is damage to personal property. All construction methods must meet Clark County codes. The materials laydown yard location is proposed for the west-central portion of the site, along with east end of the access road. This is not near the Boat Tank Spring. The construction area footprint does not encroach on any of the 5 springs identified within the project area. There is, however, a mining operation in the vicinity of Boat Tank Spring.

Ultimately, it's the responsibility of the State Water Engineer when issuing the municipal rights to ensure that it won't deplete the aquifer. It's the responsibility of SWS and/or LVVWD to put their rights to beneficial use, which in the case of municipal supply is to sell it.

The firebreaks will need to be stabilized, either with water or some other approved method. Once stabilized, the firebreaks should no longer require watering, as no vehicle traffic is expected that would break the crust. Section 4.3.2.2-Proposed Action – 96 WTG Layout Alternative and Section 4.3.2.3-87 WTG Layout Alternative have been updated to include water usage estimates for construction of the wind facility.

The DWR estimates a perennial yield of 300 acre-feet for Piute Valley. Unfortunately, DWR does not have a current pump inventory for any of the three basins in which the project is located. Based on Mr. Bundorf's estimate, SWS pumped slightly over half of the perennial yield last year. The available amount of water in Piute Valley may depend on the volume of water utilized by other rights holders in the valley (private residences, mining and quasi-municipal users). As with most other water rights holders, SWS cannot exceed its duty.

to Jordan Bunker of the Las Vegas Valley Water District (LVVWD), the town of Searchlight pumped about 55,500,000 gallons of water—170 acre feet—in 2011 (J. Bundorf personal communication Apr. 9, 2012). What guarantees are there that the water needs for the project won't result in a shortage of water for the town? Where is the analysis to demonstrate that? In addition, controlling dust in arid environments is very difficult. Given the dry climate and dusty soils in this area, it is likely that the 30 acre feet estimate will be exceeded. The DEIS should provide more information on the source of the water and the reasons that it assumes this estimate is valid.

One acre foot equals about 325,851 gallons. Assuming that an average Searchlight household uses 5,000 gallons per month, an acre foot would supply a family for five and one-half years. The (at least) 30 acre feet for construction and dust control is an excessive draw on the local water supply, and a waste of water in this arid environment, for a project that essentially has no benefit to the people in the immediate area of the project.

The DEIS states that this usage would not impact groundwater recharge, but lacks a basis for doing so because the DEIS provides no baseline estimating total available water resources in the area, but rather only the amount of groundwater resources that have been committed or appropriated. In general, recharge is much slower than the rate of draw down occurring in the Searchlight wells. Have studies been done to carbon date the water in the SWS wells, thus providing an estimate of recharge rate? If not, BLM should require Duke such a study performed, and disclose it to the public, to ensure that the 30 acre feet for construction, and another 30 acre feet for decommissioning, would not deplete the Searchlight water supply, and that of the town of Cal-Nev-Ari.

J. The DEIS fails to adequately evaluate noise impacts.

DEIS sections 3.10 and 4.10, covering noise, do not fully disclose or evaluate the likely noise impacts from the project. Densely written in technical jargon, they also do not comply with BLM's obligation under NEPA that an EIS "shall be written in plain language ... so that decision makers and the public can readily understand them." 40 C.F.R. § 1502.8. As described in detail above, they omit crucial baseline and effects information and analysis regarding noise impacts to desert tortoises, bighorn sheep, birds, and recreationists, and on nearby protected areas. In a supplemental DEIS, please disclose and evaluate the effects of noise to recreational users who would be hiking and camping in the Searchlight Mountains, as well as the noise impacts to desert tortoises, bighorn sheep, and other wildlife and birds that would use this area.

While the data presented appears to be impressive, *e.g.* DEIS at 3-80, other countries have been studying noise emitted by WTGs for longer than the U.S. It has been determined that the types of noise and vibration created by wind turbines is unique. It is not only annoying but actually has serious negative effects on the health of nearby residents, and cannot be measured with traditional methods of measurement.

BLM and Duke need to research and incorporate data from studies done within the past two years that apply specifically to industrial scale wind turbines. The mere fact that Duke

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LVVWD has rights for 4358 acre-feet of water. Based on the commenter's assumptions, SWS could provide water for 23,666 families per year, which is significantly greater than the current population. As with most other water rights holders, SWS cannot exceed its duty.

Refer to Section 3.3.2.4-Groundwater Resources for a description of Piute Valley recharge. Recharge occurs either via vertical percolation or via lateral flow from upgradient sources. The legal baseline for estimating impacts to an aquifer is the recorded Perennial Yield, which for Piute Valley is 300 acre-feet. An estimated 160 acres will be finished with impermeable materials; cement, asphalt and/or buildings. The estimated reduction of permeable surfaces across the 18,949 acres development would be less than 1%. The relative "age" of groundwater cannot be determined via carbon dating. An aquifer's water quality is predominantly determined by the media type, temperature and contact time. The higher the concentrations, typically, the older the water. This method, however, cannot accurately quantify the "age". The relatively low concentration of ions in the Piute Valley alluvial aquifer, in which the SWS wells are screened, indicates that the residence time of the water is relatively brief.

Section 3.10-Noise and 4.10-Noise Impacts has been clarified to the extent possible. Section 4.4.4-Wildlife has been updated to include the impacts of noise on wildlife.

Comment noted. The modeling study conducted for this project is the accepted standard for NEPA analysis. Refer to Section 4.10.2-Direct and Indirect Effects by Alternative for the explanation of conservative assumptions that were used in the noise modeling analysis.

requested, and Clark County granted, a variance to increase the allowable noise level for the project area by sixteen percent (16%) indicates that applicant knows that wind turbines create noise that will affect the local environment.

Duke has been operating industrial wind energy facilities in Wyoming and Texas. Is data available from those locations on actual noise levels? Have complaints been lodged by people living near those wind projects? Applicant should provide this data to BLM and the citizens of Searchlight, and BLM should disclose these impacts as part of the NEPA process. Furthermore, articles and studies are available where residents living near wind energy facilities alternately describe the effect as “living next to a jet engine that revs up but never takes off”; or “sounds of thumping like tennis shoes in a clothes dryer”; and also described as a throbbing in head and chest from sounds and vibrations that are inaudible but felt throughout their body (infrasound). Please provide “plain language” disclosures of these impacts in the NEPA document.

Meanwhile, Duke’s representative at the public information meetings, Mr. Robert Charlebois, characterized noise from wind turbines as “sounds like raindrops falling on leaves” or “sounds like your refrigerator running.” Both comments are obviously meant to deceive those people whose communities will be forever altered by Duke Energy’s plans, and whose quiet enjoyment of their rural lifestyle can never be recovered.

The “Region of Influence” studied was within two miles of private property. DEIS at 3-79. Some of the residences are only one-quarter mile from the turbines. These residences will, no doubt, not be fit for human habitation due to noise if this project is built. Additionally, studies have shown that under certain atmospheric conditions, noise from WTGs can be heard for 15 kilometers (approximately nine miles). This range would include Lake Mead National Recreation Area at Cottonwood Cove; the Spirit Mountain Wilderness Area; and all of the communities of Searchlight and Cal-Nev-Ari.

“[T]he Lake Mead NRA has proposed that noise levels from adjacent wind [projects] to not exceed L_{eq} level of 35 dBA during nighttime hours on park lands.” DEIS at 3-81. Is this lower sound level guaranteed at night? Will applicant be required to shut down the turbines at night if this level cannot be achieved? In other communities, turbine operators have voluntarily done this to comply with noise statutes. As mentioned above, studies have shown that nighttime noise levels can be up to 15 decibels higher than daytime levels, yet the 35 dBA contours for both action alternatives already stretch up to or over the Lake Mead NRA border. It is likely that nighttime noise levels will exceed the threshold required by the National Park Service to maintain intact the current soundscape within the Lake Mead NRA—particularly given the prevailing winds from the south and southwest that will tend to propagate noise from the project site towards the NRA. Revised POD at 1-10.

The first paragraph on page 3-84 lists locations of nearby residents, but omits any mention of the homes off of Oregon Trail Road. Why? These are the people who live the closest and will be most impacted by the project. These are also the same properties that do not show up on the 2009 map indicating private property parcels as outlined and shaded areas. Several of

The modeling study conducted for this project is the accepted standard for NEPA analysis. Refer to Section 4.10.2-Direct and Indirect Effects by Alternative for an explanation of the conservative assumptions that were used in the noise modeling analysis. In summary, the noise modeling is considered “conservative” because it assumes that all receptors (i.e. residences) are downwind of the noise sources (i.e. WTGs) simultaneously, which is a physical impossibility but one that results in a conservative calculation of maximum expected sound levels.

Additionally, Figure 4.10-1. Noise Contours for the 96 WTG Layout Alternative and Figure 4.10-1. Noise Contours for the 96 WTG Layout Alternative represent the highest sound output from the turbines under maximum wind conditions. Sound levels from turbine operation will be lower under lower wind speeds, and non-existent during winds speeds below cut-in (typically 4 m/s) wind speeds.

No peer reviewed scientific studies indicate wind turbine sound being audible at a distance of 15 kilometers over land. See noise modeling presented in Section 4.10.2-Direct and Indirect Effect by Alternative for discussion on the conservative projected noise levels in the area. These models are considered conservative because the model assumes that all receptors are downwind of the noise sources simultaneously, which a physical impossibility but one that results in a conservative calculation of maximum expected sound levels.

Noise modeling presented in Section 4.10.2-Direct and Indirect Effects by Alternative indicates that at the park boundary noise levels would be less than 35 dBA (~25-27 dBA).

Section 3.10.2.3-Surrounding Land Uses and Potential Noise-Sensitive Receivers, has been updated to include residents on Oregon Trail Road.

these parcels were also omitted from Table 4.10-4 (Predicted Operation Noise – 87 WTG Layout Alternative). The table estimates expected noise levels at other nearby private property parcels.

The paragraph also states that no residences are closer than 1000 feet from turbines. Many communities are placing setback for wind turbines from residences at two kilometers (1.2 miles). Just because Clark County does not have this restriction does not mean it should not apply to the residents of the community of Searchlight. Applicant should be required to redesign the project to meet the 2 kilometer setback from ALL private property.

The DEIS uses data from the 2000 Census. DEIS at 3-86. A census was conducted in 2010. Twelve year old data, given the changes in the country's economy and population in the past five years, is irrelevant. We request that BLM revise the DEIS to include 2010 census data, because failing to do so will mean that BLM has not complied with its obligation under NEPA to provide high-quality data for public review.

The DEIS spends untold pages discussing the methodology, etc. DEIS at 4-79. The fact is that most people who will be affected could tolerate the construction noise for the 8 to 12 month period. This is assuming the construction will not occur 24 hours per day for 365 days. What is totally unacceptable is having to live with the noise from wind turbines for 30 to 50 years. The turbine sound is never-ending, and is, in fact, 24 hours per day, 365 days per year.

The 1,400 feet setback from a wind turbine from private property is entirely inadequate. DEIS at 4-81. Clark County and BLM should develop standards for wind projects, similar to what is happening in other parts of the U.S., which would require a minimum setback of two kilometers (1.2 miles) from private property.

The DEIS states "Blasting might be necessary in order to construct access roads and set turbines." DEIS at 4-82. Change "might" to "will." The hardness of the granitic bedrock will make the use of blasting necessary in much of the project area.

The source of the Wind Table data is from Duke Energy. DEIS at 4-84. It would be far more believable if the data was from an independent source, or if BLM had exercised its independent obligation under NEPA to verify and evaluate the information in the NEPA document. As stated earlier in these comments, the Duke Energy representative's description of sounds from wind turbines is not credible.

BLM must require the applicant to do more computer modeling with different inputs for temperature, humidity, and including other ambient noise. DEIS at 4-84. Certainly an industry with twenty years of experience with wind turbines has computer programs that can model a variety of conditions, and BLM—as an expert land management agency—possesses the expertise to evaluate such data. Additionally, are there not studies available that were performed in the field with actual operating wind turbines? The area around Palm Springs, California has similar terrain and atmospheric conditions. What studies on turbine generated noise are available?

The noise modeling analysis included residential properties that were nearest to any wind turbine locations. Parcel 24324000010, which was included in the analysis, is closer to a wind turbine than parcel 24324000011. Similarly, Parcel 2432400021, which was included in the analysis, is closer to a wind turbine than parcel 24324000012.

Section 4.12-Socioeconomics has been updated to reflect 2010 Census data, resulting in a change in the noise section from 576 to 555; however, this did not change the results of the analysis.

It is not certain that blasting will be necessary because on the ground geotechnical studies have not yet been conducted.

The data in Table 4.10-2-Operation Noise Model Parameters, were provided by a wind turbine vendor, and represent the sound power level of the turbine as measured according to IEC 61400-11:2002. This standard was specifically developed to quantify noise output from wind turbines.

Refer to noise modeling presented in Section 4.10.2-Direct and Indirect Effects by Alternative for discussion on the conservative projected noise levels in the area. The modeling study conducted for this project included very conservative assumptions that included all receptors being downwind from all turbines simultaneously (a physical impossibility), and the maximum sound output from the turbines under maximum wind conditions (25 m/s). Variations of temperature and humidity conditions would not be anticipated to result in significant changes to the already very conservative results.

The table on page 4-85 omits Parcel 24324000011? Why? This parcel has people living on it full time. They will be far more impacted than the undeveloped properties that are listed. Was this parcel left off intentionally? Also, Parcel 24324000012 was omitted. It, too, lies very close to the nearest turbines, but at present is undeveloped. This table should be redone, and sound data for these two parcels included, as well as other nearby parcels which were not omitted.

Clark County approved the Special Use Permit in 2010, not 2011. DEIS at 4-87. Obviously, Duke is aware turbines create a lot of noise or it would not have applied for the Waiver of Standards to permit a 16 percent increase in allowable noise. Also, if noise for nearby property owners is excessive, will applicant turn off the turbines at night? *Id.* This has been required in other parts of the country.

What are the “applicable APMs and MMS”? DEIS at 4-91. Would this include turning off turbines at night, or if this is not successful in giving the landowners relief, buying out the property of the people who are affected?

K. The DEIS fails to adequately evaluate effects on human health and safety.

The DEIS does not adequately disclose potential effects on human health and safety. In describing the supposed mitigation measures, the DEIS describes that “fire prevention” will be provided by the Clark County Fire Department Rural Station 75 located in Searchlight. DEIS at 2-49. However, the small volunteer fire department in Searchlight is totally unprepared to fight the types of wildfires created by failed wind turbines or construction machinery, which can quickly spread over thousands of acres of rough terrain. BLM’s nearest fire station is approximately 40 miles away; Laughlin and Boulder City are also at least 40 miles away. All of those stations are approximately one-hour travel time away. Short of creating a fire break around all residences and the entire town of Searchlight (and destroying even more desert vegetation), there is a very good chance that the entire town could be destroyed by a turbine-caused wildfire under the often bone-dry, windy conditions present near the site before adequate fire-fighting capacity arrived.

There should be serious concerns about turbine-caused wild fires, and more complete disclosure of the potential for fires than currently appears in the DEIS. DEIS at 3-109, 4-120. One only needs to visit the Altamont area of northern California to see the frequency of fires within an industrial wind energy facility; BLM should disclose how frequently turbines at other generation sites cause fires. The cause may be equipment failure, or the attraction of lighting to tall structures. Summertime storms in the area of Searchlight are accompanied by a great deal of lightning strikes. Placing 428-foot tall turbines in an area of frequent electrical storms, where they will be the most prominent features in the landscape, should not be permitted.

The DEIS at page 4-120 describes the propensity for WTGs to cause fires. As discussed earlier, the local volunteer fire department may not be able to respond with enough fire-fighting capability to handle wind turbine caused fires, and other fire-fighting agencies are at least 40 miles distant. This would create a very hazardous situation for the residents of Searchlight. Also,

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The noise modeling analysis included residential properties that were nearest to any wind turbine locations. Parcel 24324000010, which was included in the analysis, is closer to a wind turbine than parcel 24324000011. Similarly, Parcel 24324000021, which was included in the analysis, is closer to a wind turbine than parcel 24324000012.

The special use permit was obtained because noise levels would not be below the Clark County standard of 43 dBA at the property line, but the noise levels would be below such at the actual residences (see Table 4.10-3. Predicted Operation Noise – 96 WTG Layout Alternative and Table 4.10-4. Predicted Operation Noise – 87 WTG Layout Alternative). See noise modeling in Section 4.10.2-Direct and Indirect Effects by Alternative, for discussion on the conservative projected noise levels in the area. It is not anticipated that noise would exceed Clark County Noise Standards at residences; therefore, no mitigation is required.

Section 4.14-Health and Human Safety Impacts of the document contained a detailed description of the potential effects. Mitigation to reduce fire-related risk is described in MM SAFE-4: Construction Fire Prevention Measures. One measure was to maintain fire suppression equipment on site during construction.

Section 4.14-Health and Human Safety Impacts of the document includes also included on-site measures such as; To reduce fire risk, the Applicant would construct a 20-foot-wide firebreak on the exterior of the perimeter fencing surrounding the O&M building and the proposed substations, in addition to a 20-foot wide firebreak surrounding individual WTG locations (APM-7). Shrubs and other large vegetation would be removed from the firebreak. Grading or discing would maintain the firebreak.

The electrical equipment enclosures that would house the transformers would be either metal or concrete structures. Any fire that could potentially occur would be contained within the structures, which would be designed to meet National Electrical Manufacturers Association standards for electrical enclosures (APM-14).

Additionally, mitigation measure included as an inherent element of the project, APM-7, is for development and implementation of an Emergency Response Plan that would include fire suppression and control.

will exploding turbines cause rare Earth elements to leak into the region? Rare Earth elements, which may cause potential health hazards, are used in manufacturing high-efficiency wind turbines. Exhibits 10, 33. What is the fire/safety plan for this? Who is financially responsible for suppression?

The creation of the fire breaks mentioned would result in clearance of a large amount of desert flora. DEIS at 4-120. This would contribute to very dusty conditions throughout the entire project area. How would Duke prevent dust from blowing following clearing of all vegetation? What ROW conditions will BLM require to prevent this? Will this require even more water than originally stated? The DEIS also indicates a safety set-back from EACH TURBINE OF 886 FEET. *Id.* This would essentially preclude the use of the roads by ORVs, even though in several places in the DEIS one of the “benefits” stated would be the creation of the roads throughout the project. If the roads cannot be used within 886 feet of the WTGs, this essentially prevents the use of any of the roads by the public at any time.

The DEIS conveniently overlooks and fails to evaluate the most significant potential fire hazard/hazardous material/explosion hazard that has been by the applicant is the potential for damage to the high-pressure (300 to 600 psi) Southwest Gas Company gas pipeline(s) that passes by the east side of the town of Searchlight, and runs generally north-south the entire length of the project. DEIS at 4-14 (no discussion of gas pipeline). This gas pipeline is 40 to 50 years old, and in most areas is very near the surface. It enters the state near Laughlin and delivers natural gas to the Las Vegas metropolitan area.

By specification, the pipeline should have been buried a minimum of three feet below grade. However, given the hardness of the bedrock in the area, there is a very good chance that much of the pipeline lies less than three feet below the surface. It is likely that minimal consideration was given at the time to the long-term integrity of the line, and likely no precautions were taken against the imponderable possibility (at that time) that an industrial energy generation facility would be built literally on top of it. The potential for construction (blasting or surface construction) damaging the high pressure gas pipelines in the area is probably the most serious issue that the DEIS ignores. As illustrated by the gas pipeline explosion in San Bruno, California in September 2010, which killed eight and sent a fireball 1,000 feet into the air, or the June 2010 pipeline explosion in Johnson County, Texas, which killed three, construction activities near pipelines can have catastrophic effects.

In describing the transmission lines and pipelines on the project site, the DEIS lists the electrical transmission lines, but makes no mention of high pressure gas pipeline(s) that cross the full length of the project area. DEIS at 3-110, 4-119. Why are gas pipelines ignored in the text of the DEIS, when they are shown on several maps in the DEIS and briefly referenced in the “utility corridors” section? *E.g.* DEIS at 1-5 (Figure 3), 4-56. What safety provisions will be put in place to protect the workers and the residents?

Plans for the project show the gas pipeline(s) being crossed in at least three places by newly constructed roads. Additionally, the plans show a new road paralleling or perhaps on top of the gas pipeline north of town at Oregon Trail Road and extending south for about one-half

Water is the only soil stabilizing substance that is non-toxic. BLM only authorizes water to be used in T&E species habitat. Once stabilized, the firebreaks should not require additional watering. Dust control for the firebreaks will be factored into the O&M water demand. Dust control measures will be in accordance with DAQ requirements and it is not anticipated that fugitive dust emissions from firebreaks would exceed NAAQS.

Southwest Gas Corporation holds a ROW grant from BLM for an existing gas line within the project area. The grant is non-exclusive; therefore, the BLM reserves the right to authorize other actions within a ROW area for compatible uses. The Applicant will be required to coordinate with Southwest Gas should there be any pipeline crossings, e.g., roads, underground electrical collection systems, etc. The result of the coordination would be a legally binding agreement that such crossings would meet Southwest Gas-provided standards for engineering and applicable material requirements to ensure the safe and continued operation of the gas line.

mile (0.5 miles). This area is very rocky and irregular, and this is the area where it is likely that the pipeline was practically laid on the ground surface, and topsoil scraped into a berm over the top of it. A portion of the pipeline under Cottonwood Cove Road may have been reburied to a greater depth—but BLM owes the public the obligation to gather this information, disclose it, and evaluate the effects of the project on the pipeline.

What safety measures will be taken to prevent the compromise of this existing gas pipeline? If the gas pipeline were to be ruptured by the 15-axle trucks and other very heavy equipment that will be crossing over it, the resulting fire and explosion could literally wipe Searchlight off the map. It also would cut off a much of the supply of natural gas to the Las Vegas Metropolitan Area.

The blasting that will be required to excavate the WTG foundations, and/or the use of heavy-duty Ho-Ram type vibratory equipment could also compromise the integrity of this high-pressure gas pipeline. Why is there no mention of this in project documents? What provisions will be made to prevent a catastrophe?

South of Searchlight another area of the gas pipeline could be compromised by the turbine, road or underground collection line construction adjacent to or on top of the gas company easement. Also, how deep will the trenches be for the Pike Underground Collection System? The gas pipeline is a minimum of three feet deep. Will there be a potentially deadly conflict between the existing gas pipeline and the underground collection system in the area of WTG's 60, 74, 75 and 76 (preferred alternative numbering)? Has BLM or Duke done the research necessary to determine if those parts of the project need to be relocated?

The DEIS ignores potential human health effects from the dust that the project will cause, although it acknowledges that "[t]he soils in the Searchlight area are susceptible to erosion by wind and water." DEIS at 3-5. Removal of soil crusts and construction and operation of turbines and associated infrastructure is certain to increase the wind-caused erosion throughout the life of the project. The DEIS discloses that "[w]inds over 50 miles per hour (mph) are infrequent but can occur with vigorous storms. Winter and spring wind events often generate widespread areas of blowing dust and sand." DEIS at 3-37. The project is sited within two miles of the town of Searchlight, and along a major route used by tourists and residents to reach Cottonwood Cove in the Lake Mead NRA. Accordingly there is a significant possibility of adverse human health effects from blowing dust, in the form of respiratory illness, including Valley Fever. The DEIS does not disclose or evaluate the potential that construction and operation of the project will have adverse effects on human health, in particular the potential public health impacts from Valley Fever.

Valley Fever (coccidioidomycosis) is an infection caused by inhaling the microscopic spores of the fungus *Coccidioides immitis*. Spores are the tiny, thick-walled structures that fungi use to reproduce. Valley Fever is spread through spores from airborne dust as a result of ground disturbance. Coccidioidomycosis exists in three forms. The acute form produces flu-like symptoms. The chronic form can develop as many as 20 years after initial infection and, in the lungs, can produce inflamed, injured areas that can fill with pus (abscesses). Disseminated

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According to the Center for Disease Control in 2010 there were over 16,000 reported cases of Valley Fever (i.e. coccidioidomycosis), the majority of which were located in Arizona and California (Accessed July 3 2012 at:

<http://www.cdc.gov/fungal/coccidioidomycosis/statistics.html>).

According to the University of Arizona's Valley Fever's Center for Excellence, two-thirds of all infections in the United States occur in Arizona, mostly in the urban areas surrounding Phoenix and Tucson. (Accessed on line July 3, 2012 at:

<http://www.vfce.arizona.edu/GeneralInfo/default.aspx>).

This research suggests that although Valley Fever may occur in Nevada, it is not as likely compared to other parts of the southwest. This statement is supported by the information available from Southern Nevada Health District which documents less than 10 cases per year of Valley Fever have been reported in Clark County, Nevada to date (2009-2012) (accessed online July 4, 2012 at:

<https://www.southernnevadahealthdistrict.org/stats-reports/disease-stats-jan12.php>).

coccidioidomycosis describes the type of coccidioidomycosis that spreads throughout the body affecting many organ systems and is often fatal.

Coccidioidomycosis is an airborne infection. The fungus that causes the disease is found in the dry desert soil of the southwestern United States, Mexico, and Central and South America. Coccidioidomycosis is sometimes called San Joaquin fever, valley fever, or desert fever because of its prevalence in the farming valleys of California.

The chronic form of coccidioidomycosis normally occurs after a long latent period of 20 or more years during which the patient experiences no symptoms of the disease. In the chronic phase, coccidioidomycosis causes lung abscesses that rupture, spilling pus and fluid into the lungs, and causing serious damage to the lungs. The patient experiences difficulty breathing and has a fever, chest pain, and other signs of pneumonia. Medical treatment is essential for recovery.

In its disseminated form, Valley Fever diagnosis of coccidioidomycosis spreads to other parts of the body including the liver, bones, skin, brain, heart, and lining around the heart (pericardium). Symptoms include fever, joint pain, loss of appetite, weight loss, night sweats, skin lesions, and difficulty breathing. Also, in 30-50% of patients with disseminated coccidioidomycosis, the tissue coverings of the brain and spinal cord become inflamed meningitis.

BLM must consider the potential for respiratory illnesses occurring in local residents, resulting from the dust. Many of the local residents are elderly and susceptible to respiratory diseases; some even moved to Searchlight to escape air pollution in other parts of the country. There exists a significant possibility for outbreaks of Valley Fever due to the project. In 2009, in nearby Boulder City and Henderson, people contracted Valley Fever simply by outside on windy, dusty days. Exhibit 34. Valley Fever has been documented in many arid regions in the southwest US. There are reports of recent cases of Valley Fever in areas of Southern California deserts that are being stripped of vegetation for the installation of wind and solar projects. BLM must disclose and evaluate the human health impacts of this project, including its potential to cause incidents of Valley Fever among local residents and visitors.

The DEIS inadequately discloses the impact of noise, air pressure, flicker effect (from spinning turbine blades) and nighttime strobe lights on public health. A recent draft study by the Oregon Health Authority's Office of Environmental Public Health, entitled "Strategic Health Impact Assessment on Wind Energy Development in Oregon," outlines some significant health concerns from industrial-scale wind energy development. The study is enclosed on the CD-ROM. Please evaluate this information in revising the DEIS so it completely discloses potential health effects from the project. Turbines would be located within ¼ mile of populated areas and roads, including the Cottonwood Cove Road over which 300,000 people travel annually, far closer to area of human concentration than many wind projects.

The Strategic Health Impact Assessment reports that "Environmental noise in community settings is linked to sleep disturbance, annoyance, stress, and decreased cognitive performance

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The Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States (2005) states that shadow flicker is not considered as significant an issue in the United States as in Europe. It does note that flickering effect may be considered an annoyance, but that modern three-bladed wind turbines are unlikely to cause epileptic seizures in the susceptible population due to the low blade passing frequencies. The relevant text from the Programmatic EIS states:

"When the sun is behind the blades and the shadow falls across occupied buildings, the light passing through windows can disturb the occupants (Gipe 1995). Shadow flicker is recognized as an important issue in Europe but is generally not considered as significant in the United States (Gipe 1995). The American Wind Energy Association (AWEA 2004) states that shadow flicker is not a problem during the majority of the year at U.S. latitudes (except in Alaska where the sun's angle is very low in the sky for a large portion of the year). In addition, it is possible to calculate if a flickering shadow will fall on a given location near a wind farm and for how many hours in a year (AWEA 2004). While the flickering effect may be considered an annoyance, there is also concern that the variations in light frequencies may trigger epileptic seizures in the susceptible population (Burton et al. 2001). However, the rate at which modern three-bladed wind turbines rotate generates blade-passing frequencies of less than 1.75 Hz, below the threshold frequency of 2.5 Hz, indicating that seizures should not be an issue (Burton et al. 2001). (Section 3-20)."

[7-9]. These effects, undesirable in their own right, can in turn adversely affect physical health.” Strategic Health Impact Assessment at 6. “There is some evidence that wind turbine sound is more noticeable, annoying and disturbing than other community or industrial sounds at the same level of loudness [16-20].” *Id.* “A small number of epidemiological studies have linked wind turbine noise to increased annoyance, feelings of stress and irritation, sleep disturbance, and decreased quality of life [16-18, 22].” *Id.* The study concludes that “Sound from wind energy facilities in Oregon could potentially impact people’s health and well-being if it increases background sound levels by more than 10 dBA, or results in long-term outdoor community sound levels above 35-40 dBA.” *Id.* at 9. The rest of the study provides more details. Please also disclose and evaluate other studies that have shown potential health impacts from the noise and visual impacts associated with wind turbines.

The DEIS also fails to evaluate the Waiver of Development Standards that Clark County, Nevada, granted to Duke for the project. *See* Searchlight Wind PUC filing 11-2011 on enclosed CD-ROM. Clark County waived three significant development standards that limit development within the county. It waived the 2,000 foot set-back, allowing turbines to be constructed as close as 1,345 feet from a residential structure, with four turbines closer to homes than the 2,000 foot set-back. *Id.* at p. 11. It waived the 35 foot standard for height, allowing instead turbine construction up to 428 feet tall. *Id.* And it waived the normal nighttime noise limit of 43 decibels, allowing an increase to 51 decibels. *Id.* The DEIS does not disclose these waivers or evaluate the effects of the increased noise and proximity to residential areas that these waivers allow.

The DEIS also fails to evaluate the potential social effects to a rural community from the importation of transient construction workers. The DEIS admits that it is “very common for a significant amount of specialized labor to be brought into the region from elsewhere (e.g., [wind turbine generator] erection crews).” DEIS at 4-100. However, the DEIS fails to describe how these out-of-area workers would result in increased traffic accidents, damage to existing roads, and increased crime. Such outcomes are not “beneficial” to a small, rural community, even though they may provide benefits which flow to other people outside the community. BLM should disclose and evaluate the likely societal impacts from increased presence of transient construction workers near the community.

L. The DEIS fails to adequately evaluate geology and hydrogeology.

The DEIS presents a cursory and incomplete overview of the geology and hydrogeology of the site. The DEIS frankly admits that no geotechnical studies have been completed yet for the project. DEIS at 2-40, 4-3 (“Each WTG foundation footprint located in competent rock would be much less because the foundation would consist of an excavation into the rock; the depth and circumference of each rock foundation excavation would depend on site-specific geotechnical conditions.”), 4-10.

The DEIS covers water resources in Section 3.3. Water resources topics include Watershed Boundaries, drainage basins, flood plains, and surface and ground water. In recognition that there are no surface water resources at the site, the DEIS focuses on ground water resources. Among the defects in the DEIS that BLM must correct are:

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Section 4.10-Noise Impacts discloses that noise levels at households are all below the standard and threshold set by Clark County.

Section 4.10-Noise Impacts states” In 2011 Clark County approved a Special Use Permit application for the Proposed Project. They found that there were nighttime noise level exceedances at the property line, described above, but that at the actual residence locations the levels were all below the County’s threshold. Therefore, the project was approved by Clark County.”

Over 300,000 people travel Cottonwood Cove Road annually, the majority of which are from outside the community. The construction work force of would represent about 1% of that number.

The DEIS author in section 3.3.2.3 (Surface water) covers alluvial material. Alluvial material consisting of weathered rock, gravel and sand is the primary material for both storage and flow of subsurface water resources.

- Alluvial material is weathered and eroded rock from the surrounding mountain ranges. This material consists of weathered, decomposed rock which results in the development of desert soils. These soils consist of rock fragments, gravel, sand, and clay.
 - Void spaces within alluvial material are the primary storage for ground water resources in this desert region.
 - The desert plant community in the Piute Valley is unique. This valley is a transition zone of the Great Basin Desert, the Mojave Desert, and the Sonora desert. Plant communities from all three deserts are represented in the Piute Valley
- The DEIS fail to identify the thickness of the alluvial material.
 - Alluvial material thickness varies throughout the area.
 - Alluvial material around the town of Searchlight and the surrounding mining district consists of a thin layer.
 - Alluvial materials south of Searchlight near the town of Cal-Nev-Ari, Nevada, are much thicker. Material eroding from the McCullough Mountains has produced a thick alluvial material.
 - The area surrounding Cal-Nev-Ari has no exposures of bedrock protruding through the alluvial material.
- Subsurface water flow and storage will vary based on alluvial material present
 - It is apparent that little to no actual field work was conducted to survey actual alluvial material within each watershed basin.
 - Surface exposures of crystalline rocks throughout the watershed basins are indications of thin alluvial material and a shallow subsurface aquifer. The alluvial material is only one (1) to three (3) feet thick in and around Searchlight.
 - Exposures of mineralized plutonic crystalline quartz rich rocks are the primary ore bodies of the Searchlight Mining District.
 - Alluvial material around Searchlight is a thin veneer covering portions of the crystalline bedrock.

Comment noted.

The existing Geological environment was presented in EIS Section 3.1-Geology, Soils, and Minerals, and impacts in Section 4.1-Geology, Soils, and Minerals. Geotechnical testing will be conducted at each WTG location prior to construction.

- Alluvial material is the principal material for shallow aquifer storage and flow of subsurface water.
- Crystalline granitic rocks around Searchlight are mineralized and well exposed around the town of Searchlight.
- These crystalline granitic rocks have little permeability (water transport) or porosity (water storage) potential.
- This geologic setting has resulted in shallow water aquifers. The shallow aquifer used to sustain plant life in the area is near surface one (1) to four (4) feet deep. Subsurface water flow through the thin alluvial apron, which lies on top of the crystalline bedrock. Very little water will penetrate below the alluvial to the crystalline granitic and quartz rich rocks.
- Alluvial material is the primary source of water for the desert vegetation during warm and dry periods in the Mojave Desert
- Subsurface water in alluvial material is the primary water source for plants such as Yucca and Joshua trees. Disruption of near surface water flow will impact water resources to vegetation. These trees and other succulent plants rely on shallow water resources for both the stabilization and reproduction. These indirect effects of construction on vegetation are not sufficiently disclosed and evaluated in the DEIS.
- Road construction will cut through the alluvial material disrupting the sub surface water flow. The shallow depth of bedrock will affect how and where construction can occur and how and where facilities can be placed on the site.
 - Road construction and foundations for wind turbines will require blasting to break up the hard granitic crystalline rocks.
 - This blasting will require removal of the upper alluvial material, disrupting ground water flow, and requiring water resources for dust mitigation.
 - The mining in and around the Searchlight mineral district is hard rock mining due to granitic crystalline rocks.
 - Deep water storage is in a fractured matrix of non porous crystalline rocks.
- The north and east portions of the project site have very irregular topography, which is not illustrated in any map in the DEIS but is shown in the map from VTN dated 11-10-2009. This will make construction more difficult and ensure that blasting will be necessary,

Well data indicate that groundwater in the project area is variable but ranges from 170 to about 270 feet (Section 3.3.2.4-Groundwater Resources). Construction excavation for the WTGs would range from ten to thirty feet deep (DEIS Section 2.3.2-Construction, subheading WTG Pads and Foundations). Therefore, it is very unlikely that near surface flows would be impacted.

During construction Searchlight Wind Energy, LLC would be required to use an approved dust palliative (such as water) to lesson blowing soil. After construction is complete disturbed areas would be revegetated to the extent possible.

Figure 2.1-1. 96 WTG Layout Alternative and Figure 2.1-2. 87 WTG Layout Alternative has been updated to illustrate topography. Section 2.3.2-Construction under Road Construction has been updated disclosed that blasting may be required. It cannot be determined to what extent blasting would be required until the ground geotechnical testing has been completed.

particularly taking into account the relatively flat grades that would be necessary to allow for safe passage of long loads. The DEIS does not discuss this issue.

- The area where the Southwest gas pipeline passes through the northern portion of the project site is very rocky and irregular, and the pipeline is located at a very shallow depth in this area. Please specifically describe the geology along the pipeline route to evaluate whether *any* construction can safely be done near this pipeline.
- The DEIS discusses (at page 4-3) that the blade throw safety set-back for each WTG of 886 feet, or an area of approximately 57 acres. The total acres of the project site actually affected simply for safety set-backs would be 4,959 acres, or 7.75 square miles. Why would BLM consider granting a ROW for an industrial facility with this many known hazards, hazards which also tie up far more land in perpetuity than stated in the DEIS?
- Water Flow Models and the hydrology of the Eldorado, Colorado and Piute drainage basins focus on two points.
 - Ground water flow estimates based on a 1966 study by Rush and Huxel.
 - This study is used to build a case for an increase in the water resources in the project area, justifying the withdraw of large amounts of water for construction.
 - Nevada State Water Engineer Report
 - The Eldorado Valley has potential groundwater resources of 2,390 acre-feet/year, which is more than four times the estimated perennial yield of 500 acre-feet per year (Rush and Huxel, 1966).
 - The Piute Valley has potential groundwater resources of 5,039 acre-feet/year, which is over 16 times the estimated perennial yield of 300 acre-feet/year (Rush and Huxel, 1966).
 - The Colorado River Valley has committed groundwater resources of 4,547 acre-feet/year, which is over 22 times its estimated perennial yield of 200 acre-feet/year (Rush and Huxel, 1966).
- The DEIS report attempts to justify the use of ground water based on the differences of water flows in the Rush and Huxel, 1966 paper and the report from the Nevada State Water Engineer Report.
 - The “Nevada State Water Engineer Report” presents more questions than answers, which BLM must answer, disclose and evaluate to the public:

Southwest Gas Corporation holds a ROW grant from BLM for an existing gas line within the project area. The grant is non-exclusive; therefore, the BLM reserves the right to authorize other actions within a ROW area for compatible uses. The Applicant will be required to coordinate with Southwest Gas should there be any pipeline crossings, e.g., roads, underground electrical collection systems, etc. The result of the coordination would be a legally binding agreement that such crossings would meet Southwest Gas-provided standards for engineering and applicable material requirements to ensure the safe and continued operation of the gas line.

Each turbine has a setback recommended by the manufacturer, which ranges from 866 to 1,050 feet as a function of rotor diameter. No turbines are located within the setback from any building or road, other than the spur road to each turbine used for construction and maintenance.

BLM considers publications of the State Engineer to provide reliable information from a credible source regarding Nevada water resources. The commenter would appropriately, direct questions about their methods to them. Since no new wells are planned for this project and no new water rights will be appropriated, the commenter’s questions are irrelevant, since water rights holders, SWS, LVVWD, or anybody else who will be supplying that water cannot exceed its duty.

- What was the method used in determining ground water flow rates?
- How many well withdrawals were used in pump test?
- What was the duration of each test?
- Where are the locations of well test?
- What was the recharge interval for each well?
- What (if any) is the criteria used in sub divisions of the three basins with respect to water depth, and shallow and deep water resources?
- Are all three (3) drainage basins (Eldorado, Piute, and Colorado River Valley) equal with respect to subsurface hydrology?
- Are water resource estimates based on well locations throughout the area, and does the study include areas of varying alluvial material.
- What is the variation in water flow in areas of crystalline rock such as Searchlight and thicker alluvial near Cal-Nev-Ari.
- Does the subsurface hydrology of Searchlight and the Surrounding mining district match the subsurface hydrology of the surrounding areas?
- There is considerable variation of rock types ranging from volcanic tuffs, rhyolites and plutonic granites that the subsurface hydrology will vary according to rock type.

To accurately depict the environment on the project site, and inform the public and the decision maker about the geological baseline. This baseline is essential to be able to understand how the project would have to be constructed, what natural limitations there will be on where and how facilities can be placed, and to understanding the likely impacts of activities on the project site. To provide this baseline information, BLM must conduct detailed mapping of the project area to determine the depth of alluvial material, exposures of granitic crystalline rock and water basins. Subsurface water within the Searchlight Township and mining district are not the same as those in the Eldorado Basin and southwest Piute Basin. Alluvial material the major source of ground water varies with short distances of less than four (4) miles.

The DEIS presents only a very basic summary of the geology and hydrogeology. The study of groundwater, and basin analysis used existing standard USGS maps to draw surface water contributions and implied that these boundaries represent accurate subsurface water. The flaw in the study is varying geology with respect to plutonic crystalline rocks and alluvial material. Water resource estimates cannot be accurately assessed on simple topography obtained from USGS maps. Ground water withdrawals in the southwestern part of the Piute valley will not

The existing Geological environment was presented in EIS Section 3.1-Geology, Soils, and Minerals, and impacts in Section 4.1-Geology, Soils, and Minerals Impacts. Geotechnical testing will be conducted at each WTG location prior to construction.

Well data indicate that water in the project area is variable but ranges from 170 to about 270 feet (Section 3.3.2.4-Groundwater Resources). Construction excavation for the WTGs would range from ten to thirty feet deep (Section 2.3.2-Construction, subheading WTG Pads and Foundations). Therefore, it is very unlikely that near surface flows would be impacted.

have the same impact as ground water withdrawal from Searchlight. Disruption of near surface water flow around the town of Searchlight will impact a shallow aquifer. Disruption of near surface aquifers has far greater impacts to water resources. Shallow subsurface water is the primary source for vegetation such as the Joshua tree. These trees and other succulent plants rely on shallow water resources for both the stabilization and reproduction of desert communities. A detailed analysis of water resources is important and necessary in order to prevent biological destruction of the area.

M. The DEIS fails to adequately evaluate effects on air quality and climate.

In its discussion of air quality impacts, DEIS at 3-37, BLM fails to disclose that the town of Searchlight has a high percentage of “sensitive populations,” elderly people with existing health issues. Approximately 31% of the population is over 65 years of age, while over 35% more are between 45 and 64 as of the 2000 census, and these percentages are likely higher now and should be disclosed along with accurate current demographic information. Also, how will the applicant prevent the air quality at Lake Mead NRA from being compromised by the dust that will result from destroying the desert vegetation and creating 36 miles of unpaved roads, and the very large areas stripped for fire breaks?

The DEIS does not provide sufficient information about the likely negative effects of the project on air quality in the area, particularly with respect to dust. The DEIS acknowledges that “[t]he soils in the Searchlight area are susceptible to erosion by wind and water.” DEIS at 3-5. Wind erosion will be a problem for the life of the project, and beyond, not just during construction. The area is prone to blowing dust already. Once the amount of destruction of desert vegetation and the natural crust of the soil surface necessary for the proposed project has taken place, the area will likely be a dust bowl.

Cryptobiotic soil crusts are an essential ecological component in arid lands. They are the “glue” that holds surface soil particles together precluding erosion, provide “safe sites” for seed germination, trap and slowly release soil moisture, and provide carbon dioxide uptake through photosynthesis.²⁰ The DEIS states that the project area in Clark County is designated as a management area for fine particulates (PM₁₀) but implies also that it is considered “attainment/unclassifiable area” for PM₁₀ emissions. DEIS at 3-39. However, the Mojave Desert Air Quality Management District in California has found that this same area is already in non-attainment for PM₁₀ particulates. The construction of the proposed project would further increase emissions of these types of particles because of the disruption and elimination of potentially thousands of acres of cryptobiotic soil crusts.

²⁰ Belnap, J., S. L. Phillips, J. E. Herrick, J. R. Johansen. 2007. Wind erodibility of soils at Fort Irwin, California (Mojave Desert), USA, before and after trampling disturbance: Implications for land management. *Earth Surface Processes and Landforms* 32(1):75-84; *see also* Belnap, J. *et al.*, Biological Soil Crusts—Ecology and Management (2001) on enclosed CD-ROM.

The project emissions will not exceed the NAAQS and Clark County DAQ air quality standards described in Section 4.6- Air Quality Impacts.

Refer to APM-3 - the applicant would use water to control dust to comply with Clark County DAQ dust control requirements (APM-3). Additional mitigation measures are discussed in Section 4.6- Air Quality Impacts.

Less than 2 percent of the project area (382-410 acres) would be disturbed (either temporarily or permanently) as a result of the proposed project; this is a negligible amount of disturbance in relation to the project area (18,949 acres). No current data exists to support that the loss of such a small amount of soil crust relative to available crust would create a measurable change in CO₂ volumes in the atmosphere. Furthermore, the Governor of the State of NV has delegated the authority to Clark County DAQ as the compliance oversight for Clean Air in the project area. Clark County has full jurisdiction of the project area, which has been determined to be in attainment/unclassifiable for PM₁₀ emissions.

The DEIS does not describe the on-site cryptobiotic soil crusts. The proposed project will disturb an unidentified portion of these soil crusts and cause them to lose their capacity to stabilize soils and trap soil moisture. The DEIS fails to provide a map of the soil crusts over the project site, and to present any avoidance or minimization measures. It is unclear how many acres of cryptobiotic soils will be affected by the project. A supplemental DEIS must be prepared which identifies the extent of the cryptobiotic soils on site and analyze the potential impacts to these diminutive, but essential desert ecosystem components as a result of this project.

The DEIS's discussion of climate change effects is also inadequate because it provides insufficient information to meaningfully understand the effect of this project on the emission and capture of greenhouse gases. For example, how much carbon dioxide and other greenhouse gas emissions would be offset by construction of the turbines? Would there be *any* offset, if—for example—the additional electricity generated simply led to an increased use of electricity, such that the construction of renewable energy facilities would not remove any generation of carbon dioxide and other greenhouse gases from the electrical production infrastructure? Will there be negative effects on climate change from construction and operation of the project? For example, how much of the greenhouse gas sulfur hexafluoride will be released by new transmission? How will the loss of the carbon absorption associated with cryptobiotic soils and vegetation that will be removed

N. The DEIS fails to adequately evaluate effects on transportation.

The DEIS's discussion of transportation is cursory and inadequate. As with most other impacts, the DEIS notes that a Traffic Management Plan will be developed at some future point. However, this means that there is no opportunity for the public to comment meaningfully on what the "plan" is to mitigate the transportation impacts of the project. A Traffic Management Plan needs to be finished and circulated again for public comment so that local residents can give public input to how truck traffic will impact their local roads, and how tourism will be affected. What is the alternate construction route to Cottonwood Cove Road? Photographs should be taken of road conditions before construction and after to document any damage for the applicant to repair.

The DEIS does not recognize the primary users of the dirt roads northeast of Searchlight. DEIS at 3-43. There are at least five full-time residences, with an estimated 10 to 12 people, who use Oregon Trail Road as their ONLY access to their homes. The DEIS indicates that Oregon Trail Road from US 95 east to Gas Line Road will be used as a major access point for construction of the northeast portion of the project. What provisions will be made to allow these people, who have lived there for 10 to 20 years or more, to have unimpeded access and egress to and from their homes? One family has elementary-age school children; several of the residents work full time. Others are elderly and may need emergency services. Will they be able to get out to US 95 without being held up by construction equipment and traffic for twelve months?

The DEIS does not mention that one of the roads that is routinely maintained is Southwest Gas Company's Gas Line Road. It is used by ORVs, and is in fair condition. However, as detailed earlier, this route, if used by heavy equipment, has a potential for disaster.

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The purpose and need for the project is not to offset greenhouse gas emissions. Section 4.6-Air Quality Impacts includes an analysis of air quality and greenhouse gas emissions. No current data exists to support that the loss of such a small amount of soil crust relative to available crust would create a measurable change in CO₂ volumes in the atmosphere. Currently there is no technically defensible methodology for predicting potential climate changes from GHG emissions. However, there are, and will continue to be, several efforts to address GHG emissions from federal activities, including BLM authorized uses. Furthermore, this proposed action does not meet the emission level or production capacity for reporting and is not subject to mandatory reporting rules found in General Provisions (40 CFR 98).

The Traffic Management Plan would be prepared by the party responsible for implementing it; namely the construction contractor. As safety is involved, this plan would not reviewed by the general public as the Director of the Nevada Department of Transportation holds responsibility for review. Construction could not legally commence prior to the NDOT approval. Refer to MM TRAN-1 for a discussion of the elements that would be included in the plan. In addition, NDOT typically requires written notification be provided to emergency services (fire, police, ambulance, etc.) at least 24 hours in advance of traffic detours and at least 48 hours prior to the commencement of construction activities.

MM-TRAN-2, Repair Damaged Streets, would specifically require documentation of pre-construction road conditions and post-construction repair standards.

The gas pipeline is within 1000 feet of the residences mentioned in the previous paragraph. BLM must disclose this information and explain how it intends to prevent potentially deadly impacts from such use.

The DEIS states "Unauthorized use of motorized vehicles has damaged resources within the project area by crushing vegetation, disturbing wildlife, increasing noise and airborne particulates, and increasing erosion potential." DEIS at 3-43. These impacts are miniscule compared to the construction of 37 miles of new 36-foot wide roads, 87 turbines, and all of the other infrastructure mentioned. It is incomprehensible that BLM considers the very minimal incidental damage done by ORV's a problem, yet would consider turning the entire 30 square miles (18,949 acres) into an industrial zone for the next 30 to 50 years.

In the discussion of transportation impact indicators, DEIS at 4-51, the first four of the five bullet points are a given; the project would absolutely increase traffic, degrade the roads, prevent adequate emergency access, and cause loss of access to private land parcels. In addition, since each turbine has a safety set-back of 886 feet, access to recreation access points would be affected.

With 300,000 visitors annually to Cottonwood Cove in the Lake Mead NRA, on a road that is narrow and steep, adding construction traffic into the mix is a recipe for disaster. Should there be a necessity for emergency services at the Lake (a common occurrence in the summertime), there could be life-threatening delays in response time.

During the construction period those people who use Oregon Trail Road would encounter great difficulty just coming and going from their homes. Everyday activities (going to work, taking children to school, going to appointments) would become a hassle and a safety hazard.

At page 4-52, the DEIS states that "When construction is completed, access for motorized travel might increase due to the construction of 29 miles of new roads." But with each turbine having an 886 foot safety set-back due to potential for blade throw, just where will the public be allowed to drive? The roads are closer than 886 feet to each turbine. Furthermore, where would anyone WANT to drive, once the turbines are operational. Unless each turbine is set back more than 886 feet from the main roads within the project, there will be no public access. How will BLM and Duke insure that people do not get closer than the 886 feet? Will 47 acres of affected area encircling each turbine be fenced to prevent anyone from getting too close? Will there be gates on the project roads?

The DEIS states at page 4-52 that "Given the number of vehicle trips during the construction period, along with the movement of heavy construction equipment, it is reasonable to anticipate that the Proposed Action might damage public roads through increased use." The word "might" should be changed to "will." There is no doubt that the volume of heavy construction equipment will cause severe damage to existing roadways. However, the DEIS is incorrect to say that "Construction of the Proposed Action would have a beneficial effect on road conditions because it would result in restoration of a county road to its preconstruction conditions for both the base and the surface." DEIS at 4-52.

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The commenter is incorrect in the assertion that 18,949 acres would be disturbed. The project area is 18,949 acres. Table 2.5-2. Approximate Acreages that would be Affected by Development of Action Alternatives, of the DEIS presents the disturbance associated with the build alternatives ranges from 230-249 acres of temporary disturbance, and 152-160 acres of permanent disturbance.

The setback is in conformance with BLM Instructional Memorandum 2009-043, which states that no turbine on public land will be positioned closer than 1.5 times the total height of the wind turbine (approximately 640 feet) to the right-of-way boundary. No turbines are located within the setback from any building or primary road, other than the spur road to each turbine used for construction and maintenance, or two-track and casual-use roads.

No permanent fencing of the turbines or access roads is proposed because of the additional disturbance and resulting habitat fragmentation.

Refer to Section 4.7-Transportation Impacts, which has been updated to address this comment.

The “preconstruction condition” of these roads is not optimal. Saying that post-construction “mitigation” will take a road back to preconstruction condition is like saying it would be beneficial to you that after your ten-year old car is totaled, you’ll get the car back after 8 to 12 months in the body shop, complete with the same dings it had before it was wrecked and repaired. On the same page, the DEIS states that “Overweight and oversized loads could cause short-term disruptions to local traffic.” BLM should be honest and change “could” to “will.” Specifically, oversized loads going east on Cottonwood Cove Road will shut down all other traffic. The road is 24 feet wide, and is the only access route to Cottonwood Cove on Lake Mohave.

On page 4-53, the DEIS states that “Future roadway improvements in and around Searchlight could reduce potential traffic delays, improve traffic flow, and increase access for motorized travel.” This is not only speculative, but its premise is inaccurate and should be corrected. If the roadways around Searchlight are improved, they still don’t lead anywhere. All the new roads proposed as part of the project dead-end in the middle of nowhere. It is difficult to comprehend how this is considered beneficial.

BLM also should disclose and evaluate the likely damage to roads from the sheer weight of the turbine-carrying trucks and other construction equipment, and require as a mandatory condition of any ROW grant that Duke enter into an agreement with the Nevada Department of Transportation, supported by a bond, to repair damage to the Cottonwood Cove Road and US 95 from activities associated with the project. See Exhibit 8.

O. The DEIS presents confusing and inaccurate information about land use.

The DEIS discloses incorrect information about land use and presents an incomplete analysis. For example, the DEIS states there, among other uses, “. . . limited livestock grazing. . .” DEIS at 3-44. All cattle, burros and wild horses were removed from this area many years ago. With respect to the land ownership, what compensation will be given to the private owners of the small parcels totaling approximately 644 acres? *Id.* These people bought their land with the understanding they would be able to have the quiet enjoyment of their property in a remote, unspoiled area. Others bought with the intention of building homes in the future, or perhaps to speculate on the land. The land in proximity to the turbines will now be seriously devalued. If Duke argues that value will not be affected by the presence of the turbines, then the company should be willing to buy out these land owners at today’s prices.

The DEIS states the project is located in an area under the jurisdiction of the 1998 Las Vegas RMP and ROD (BLM 1998), as amended by the 2005 Wind Energy Development document, DEIS 3-45. The 1998 RMP is currently under revision; the DEIS for the revised RMP is supposed to be available this Fall. Is this statement still true? Which RMP will govern? Will there be any amendments to the RMP that address the project or the lands it affects?

On page 3-48, the acreage for Duke’s rights of way listed differs from that stated elsewhere in the DEIS. This table states 24,382.56 acres; elsewhere the project is described as

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Refer to MM TRAN-2- Repair Damaged Streets, which provides that the roads would be returned to their preexisting condition. A Traffic Management Plan (MM-TRAN-1) will address effects on local traffic. The Plan would include the following element: To minimize the effects on local and Lake Mead traffic the Transportation Plan will mandate the use of flagmen or escort vehicles to control and direct traffic flow, and provide schedules that show roadway work will be done during periods of minimum traffic flow. The Traffic Management Plan would be a stipulation of the ROW Grant.

This sentence has been removed from the EIS.

Section 3.8.2-Existing Environment has been modified to delete reference to livestock grazing.

The Las Vegas RMP, approved October 5 1998 is the governing document for this project, along with any other approved planning or programmatic document covering this field office or project type. The revised (Las Vegas) RMP Record of Decision is not anticipated until the summer of 2014.

The correct acreage for the proposed project area is 18,949 acres of BLM-managed lands. The total from Table 3.8-2. ROWs within or adjacent to the Proposed Project Area is from a database that has not been corrected to reflect the actual ROW.

18,949 acres. Which is correct? Has applicant gotten permission from Southwest Gas to build a road on/adjacent to the high pressure gas pipelines? DEIS at 3-48. As stated earlier, building roads and transporting heavy construction equipment over a shallow buried high-pressure gas pipeline will present a major safety hazard, as will excavation for underground collection lines.

The DEIS presents inaccurate information about the effects on private property of the development project, stating that "the 5.5% of the project area that includes privately owned parcels would not be affected by the construction, O&M, or decommissioning of the Proposed Project, as it has been sited to specifically avoid privately owned parcels." DEIS 4-56. This ignores not only the effect on property values within the project site, but also the effect on private property values in the surrounding area that is affected by the visual and noise impacts from the project, which can extend for miles from the industrial wind facility. Studies elsewhere have shown that property values near wind turbines drop up to 30% to 40%. Exhibits 31 and 32. How the DEIS can state that these parcels would not be affected defies believability. Applicant should be required to purchase all private property, both residential and open land, within two miles of the project area at current market value (that is, pre-wind turbine value). Regarding future roadway improvements, the DEIS states again that the project will increase access for motorized traffic. DEIS at 4-58. By whom and to where? Whose destination would be a lovely day having a picnic at a site 886 feet from an operating wind turbine?

P. The DEIS fails to give adequate consideration to cumulative effects.

The consideration of cumulative effects in the DEIS is inadequate. In its EIS, an agency must also consider the proposed action along with other actions, "which when viewed with other proposed actions have cumulatively significant impacts." 40 C.F.R. § 1508.25(a)(2). A cumulative impact is defined as "the impact on the environment which results from the incremental impact of the actions when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions." 40 C.F.R. § 1508.7. Under NEPA, cumulative impacts include direct as well as indirect effects, "which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8(a).

In analyzing the cumulative effects of a proposed action, an agency must do more than just catalogue "relevant past projects in the area." *City of Carmel-by-the-Sea*, 123 F.3d at 1160. The EIS "must also include a 'useful analysis of the cumulative impacts of past, present and future projects.'" *Id.* This means a discussion and an analysis in sufficient detail to be "useful to a decisionmaker in deciding whether, or how, to alter the program to lessen cumulative impacts." *Id.* The cumulative impacts analysis for a proposed project must examine past, present, and proposed/reasonably foreseeable actions that have cumulatively significant impacts or are similar in timing or geography. 40 C.F.R. §§ 1508.7, 1508.25, 1508.27(b)(7); *Tomac v. Norton*, 433 F.3d 852, 864 (D.C. Cir. 2006). Agencies may not avoid NEPA compliance by excessively segmenting projects into smaller parts. Instead, they must consider "connected actions" and "cumulative actions" within the same analysis. 40 C.F.R. § 1508.25. Actions are "connected" if they cannot or will not proceed unless other actions are taken previously or simultaneously, or are interdependent parts of a large action and depend on the larger action for their justification.

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Southwest Gas Corporation holds a ROW grant from BLM for an existing gas line within the project area. BLM ROW grants are non-exclusive. BLM Reserves the right to grant other actions within a ROW area. Searchlight Wind Energy LLC would be required to coordinate its construction and operational activities with existing adjacent ROW holders to facilitate their continued safe operations.

The updated Socio analysis presented in Section 4.12- Socioeconomic Impacts, indicates there would be no effect on property values. Refer to Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines for a more information.

Section 4.17.5-Potential Cumulative Impacts describes the consideration of indirect and direct cumulative effects in situations where relevant information is either incomplete or unavailable.

The EIS identifies two potential wind energy projects (e.g. Castle Mountain Searchlight Project and Piute-Eldorado Valley Energy), one solar project (Searchlight Solar Project), and the Mead-Searchlight 230-kV Transmission Line as projects with potential cumulative impacts to the Project. Table 4.20-1-Cumulative Effects Summary, contains a summary of the potential cumulative effects of the 87 WTG Alternative and the 96 WTG Alternative when considered with other reasonably foreseeable projects. The EIS contains a "useful analysis of an analysis of the cumulative impacts of past, present and future projects." *City of Carmel-by-the-Sea v. U.S. DOT*, 123 F.2d 1142, 1160 (9th Cir. 1997).

The analysis of the cumulative impacts of the four other potential projects is an analysis of all past, present, and reasonably foreseeable actions. *Tomac v. Norton*, 433 F.3d 852, 864 (D.C. Cir. 2006). The cumulative impacts analysis in the EIS has been updated and identifies: (1) the area in which the effects of the proposed project will be felt; (2) the impacts that are expected in the from the proposed project; (3) other actions - past, present, and proposed, and reasonably foreseeable - that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate". *Id.* The Project is not segmented, but rather, is analyzed in its entirety in the DEIS.

40 C.F.R. § 1508.25(a)(1). Cumulative actions are those “which when viewed with other proposed actions have cumulatively significant impacts.” 40 C.F.R. § 1508.25(a)(2).

Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 C.F.R. § 1508.7. “To consider cumulative effects, some quantified or detailed information is required. Without such information, neither the courts nor the public, in reviewing [an action agency’s] decisions, can be assured that the [agency] provided the hard look that it is required to provide.” *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d 1372, 1379 (9th Cir. 1998). The cumulative effects of the proposed action, combined with the cumulative effects of other proposed actions, must be described in detail. *Muckleshoot Indian Tribe*, 177 F.3d at 810. Broad and general statements “devoid of specific, reasoned conclusions” are not sufficient; neither are one-sided cumulative impact statements. *Id.* at 811. NEPA requires informed decisionmaking—and BLM has not undertaken any meaningful analysis of the cumulative effects to desert tortoise populations, other avian species, other wildlife, scenic resources and other resources in conjunction with existing, pending, or planned projects and actions that also may impact these resources—for example, other energy projects currently under development or planned in desert tortoise habitat or the industrialization of the unspoiled landscapes of the southwestern deserts.

The DEIS’s discussion of cumulative effects is inadequate in a variety of ways. It improperly restricts the spatial scale for the consideration of its effects. DEIS at 4-129. The chosen “project area and an immediately adjacent buffer sized 25% larger than the project area” ignores that the project has impacts on a desert tortoise species which is in decline and under pressure from energy development throughout its range. At an absolute minimum, given the serious impacts to this species, the DEIS should evaluate the Eastern Mojave Recovery Unit as the relevant cumulative impacts area. The rationale provided for selecting a smaller area is arbitrary and designed to avoid BLM’s duty under NEPA.

Consequently, the DEIS fails to evaluate adequately the cumulative effects of the project site and transmission lines on the surrounding ACEC, and particularly on the desert tortoise for which the ACEC has been designated as critical habitat. The DEIS fails to provide any concrete analysis of cumulative impacts, instead providing largely generic descriptions devoid of any cumulative impact analysis specific to the proposed project. For example, the DEIS fails, for example, to study cumulative impacts to desert tortoise and their habitat with respect to impacts from energy development, habitat fragmentation, irretrievable loss of finite availability of land with unindustrialized viewsheds, and so forth, on a landscape level. As described above, the DEIS includes no adequate discussion about direct and indirect impacts to desert tortoise, bighorn sheep, and bald and golden eagles and other avian and sensitive species and their habitat—let alone an analysis of cumulative impact. Thus, there is no discussion of the direct impacts of the project on tortoise and other species and nor of how tortoise populations are doing in the immediate surrounding areas. There is no discussion of how other agency actions within BLM’s jurisdiction, including permitting of utility-scale energy generation and transmission projects, cumulatively impact the resources affected by this generation and transmission project.

Furthermore, the DEIS cannot rely on mere cursory descriptions of past actions to satisfy

Table 4.17-1. Cumulative Effects Summary contains quantified and detailed information on the potential cumulative impacts of the four identified reasonably foreseeable future projects. The analysis contains details regarding air quality and climate, noise, geology and minerals, soils, water resources, biological resources, cultural resources, paleontological resources, land use, recreation, visual resources, transportation, hazardous materials, social and economic conditions and environmental justice. Table 4.17-1. Cumulative Effects Summary contains specific, detailed information and conclusions regarding each of these resources. It also contains a discussion of the cumulative impact on the tortoise population and bird and bat populations and visual resources.

The geographical boundaries should not be extended to the point that the analysis becomes unwieldy and useless for decision-making. In many cases, the analysis should use an ecological region boundary that focuses on the natural units that constitute the resources of concern.

The USFWS has evaluated the project effect on desert tortoise population in the Biological Opinion (Appendix B-2: USFWS Biological Opinion).

The proposed project area is not currently designated as an ACEC. Areas immediately surrounding the project area plus a 25% buffer were evaluated in Section 4.17-Cumulative Impacts Analysis. The ACEC is discussed in Section 1.4.1-Public Scoping Process, Section 4.8-Land Use Impacts, and Section 4.10-Noise Impacts.

its responsibilities under NEPA. DEIS at 4-130 to 4-132. This represents a lack of an honest cumulative impact analysis in this DEIS. Combined with the other deficiencies identified in these comments, including the inadequate set of "alternatives" identified, suggests that the DEIS's cumulative impacts analysis, may be a *pro-forma* exercise designed to justify a previously-made decision. This is impermissible under NEPA. *See, e.g., Illotlaakalani Coalition v. Rumsfeld*, 464 F.3d 1083, 1101-02 (9th Cir. 2006). Courts have made clear that the presentation of information on present effects of past actions must be "quantified and detailed." *Or. Natural Res. Council v. BLM*, 470 F.3d 818, 822 (9th Cir. 2006). Failure to quantify or detail the degree to which each factor is currently being impacted by past actions violates NEPA. *Klamath-Siskiyou Wildlands Ctr. v. BLM*, 387 F.3d 989, 995 (9th Cir. 2004). Similarly, providing only "general statements about possible effects and some risk" is insufficient to constitute the "hard look" required by NEPA. *Id.*

The cumulative impacts regulation unambiguously provides that the agency must consider all "other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions," including actions that are "individually minor." 40 C.F.R. § 1508.7. In many instances, particularly with respect to impacts to desert tortoise and golden eagles and other avian species, the DEIS states that information simply is not available or that quantification of impacts is impossible. The courts clearly have required that an agency provide a justification in its environmental analysis for why more definitive information cannot be provided. *See Neighbors of Cuddy Mountain*, 137 F.3d at 1379-80. It is BLM's obligation to collect this information, evaluate it, and present it for public review and comment.

In addition to presenting insufficient evidence of cumulative effects, the DEIS makes false statements about the unavoidable adverse impacts and irreversible and irretrievable commitments of resources. For example, BLM states, with respect to impacts to visual resources, that, because the project is expected to be decommissioned, "visual impacts would disappear." DEIS at 4-125. This is false, because the DEIS recognized on the previous page that there will remain longer-term effects of removal of vegetation which will may not grow back, leaving residual visual effects. But it is also false because, if the life of the project is at least 30 years (DEIS at 4-41), but could be extended to 50 years or more (DEIS at 4-104), the visual resources are essentially gone for 30 to 50 years ... that is a lifetime for many people. To say that there is not anticipated to be any irretrievable commitments of recreational resources is false. The resource is lost for at least two generations. This cannot be considered a short-term impact.

BLM's statement is analogous to saying that there is no irreversible and irretrievable commitment of resources from logging because trees will eventually grow back. Courts have repeatedly rejected such interpretations the concept of "irreversible and irretrievable commitments of resources." *See, e.g., Pac. Rivers Council v. Thomas*, 30 F.3d 1050, 1054 (9th Cir. 1994) ("timber sales constitute *per se* irreversible and irretrievable commitments of resources under § 7(d)").

The BLM is not required to list or analyze the effects of individual past actions unless such information is necessary to describe the cumulative effect of all past actions combined. Under NEPA, agencies retain substantial discretion as to the extent of such inquiry and the appropriate level of explanation. *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 376-77 (1989). "Generally, agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of individual past actions." CEQ Guidance on the Consideration of Past Actions in Cumulative Effects Analysis, June 24, 2005.

Section 4.17.5-Potential Cumulative Impacts evaluates the cumulative impacts of both the current setting, which includes past projects as well as all reasonably foreseeable future actions. In addition, past projects with a potentially cumulative impact to the proposed project are encompassed in the entire document, in particular, Chapter 3-Affected Environment, which discusses in detail the "Affected Environment."

NEPA regulations require that cumulative impacts be "considered" (*Neighbors of Cuddy Mountain vs. USFS*, 137 F.3d 1372, 1379 (9th Cir. 1998)). Section 4.17.5-Potential Cumulative Impacts evaluates the cumulative impacts of both the current setting, which includes past projects as well as all reasonably foreseeable future actions, and the impacts to the present setting by past actions are carried through the entire EIS, in particular, Chapter 3-Affected Environment. The cumulative impacts analysis need not consider the impacts of past or reasonably foreseeable development that is unrelated to the impacts of the proposed action (*Don't Ruin Our Park v. Stone*, 802 F. Supp. 1239 (M.D. Pa. 1992))).

NEPA Section 101 2(c)(iv) requires a detailed statement on any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. The "commitment of resources" refers primarily to the use of nonrenewable resources such as fossil fuels, water, labor, and electricity. A commitment of resources is "irreversible" when its impacts limit the future option for a resource and an "irretrievable" commitment refers to the use or consumption of resources that is neither renewable nor recoverable for later use by future generations. The long term impacts to resources resulting from the proposed project will be both renewable and recoverable for use by future generations at the termination of the proposed project.

Irreversible and irretrievable resource commitments are related to the use of non-renewable resources and the effects that the use of those resources have on future generations. The long term impacts to resources resulting from the proposed project will be both renewable and recoverable for use by future generations at the termination of the proposed project.

1. The DEIS does not disclose the cumulative effects of the project on desert tortoise.

The DEIS does not disclose the existence of the May 2011 Recovery Plan for the tortoise and provides no information about what effect the take of (at least) the 122 tortoises discovered during the limited site inventory will have on the species' survival and recovery, either in the Eastern Mojave Recovery Unit or throughout its range. BLM ignores the most recent scientific evidence that demonstrate the existential threat to tortoises from unbridled energy development throughout its range, and ignores the question of whether the extirpation of tortoises from the construction and operation of the Searchlight Wind Project, including from critical habitat surrounding the project site, will—cumulatively with other impacts to tortoise—hasten the extinction of the species. There is no quantification of how many tortoises are likely to be affected, or how that total compares to the local population in the ACEC, or on the population of tortoises in the Eastern Mojave Recovery Unit and elsewhere through their remaining range. There is no explanation of how the amount of adversely-affected habitat compares to the tortoise's remaining habitat. The DEIS offers no justification of why this information cannot be provided in this environmental analysis. *See Neighbors of Cuddy Mountain*, 137 F.3d at 1379-80.

Nowhere in the DEIS is there any information quantifying the impacts of other current and proposed energy development projects on desert tortoise. DEIS at 4-131. The DEIS improperly limits even the narrative, qualitative discussion it provides to a few actions taking place in the immediate vicinity of the project site. This is an improperly narrow definition of the cumulative effects analysis necessary to satisfy NEPA. What are the cumulative effects of habitat loss for tortoises from energy projects and other disruptions to and fragmentations of its habitat? How many tortoises are being displaced in Nevada and surrounding states by other energy projects? How would reasonably foreseeable developments of solar and wind energy on public lands within tortoise habitat affect the regional and local populations? If other past, present and future actions are already having an unacceptable impact on tortoise, what is the incremental effect that displacing a population with higher density that almost any other surveyed population have on the potential of desert tortoises to avoid extinction? BLM must answer all of these questions in a supplemental DEIS because they should have been answered in this DEIS.

Without any quantification or detail of the likely cumulative effects, there is no way for the public to understand the magnitude of the effects predicted—just a laundry-list of effects that might occur. NEPA requires BLM to do more than this. A recurring deficiency in the DEIS is BLM's generic statements about possible effects, of unknown extent, followed by a statement that information is not available. Nowhere in the cumulative effects section does the DEIS explain why more definitive information cannot be provided. This violates NEPA and must be addressed by BLM by gathering the requisite information to make *informed* decisions about the tortoise that would be affected by the project.

BLM's "lack of knowledge does not excuse the preparation of an EIS; rather it requires the [agency] to do the necessary work to obtain it." *Nat'l Parks & Conservation Ass'n v. Babbitt*, 241 F.3d 722, 733 (9th Cir. 2001); *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1213 (9th Cir. 1998) ("general statements about "possible" effects and "some risk" do not

The BLM's responsibility to address potential cumulative impacts is established in 40 CFR 1502.22(b), which states that "If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include with the environmental impact statement: (1) A statement that such information is incomplete or unavailable. . . ." Section 4.17.4-Reasonable Foreseeable Actions has been updated to include the statement that such information is incomplete or unavailable. Accordingly, the discussion of the impacts of those projects is, therefore, adequate.

The geographical boundaries should not be extended to the point that the analysis becomes unwieldy and useless for decision-making. In many cases, the analysis should use an ecological region boundary that focuses on the natural units that constitute the resources of concern.

The USFWS has evaluated the project effect on desert tortoise population in the Biological Opinion (Appendix B-2: USFWS Biological Opinion).

constitute a "hard look" absent a justification regarding why more definitive information could not be provided") (citing *Neighbors of Cuddy Mountain*, 137 F.3d at 1380). BLM must identify all places where the DEIS refers to unavailable information or insufficient information and "do the necessary work to obtain" this information to form a basis of reasoned decisionmaking on any ROW grants.

This area of southern Nevada has experienced below-normal rainfall levels in the last two years. Please provide information about the current climatic conditions in the project area and evaluate how this will affect the tortoises when combined with the effects of construction and operation of the project.

2. The DEIS fails to quantify the likely cumulative impact of the project on other wildlife, including birds, bats and desert bighorn sheep.

Nowhere in the DEIS is there data quantifying the likely cumulative effect of past, present and future actions involving transmission lines on wildlife. It is well known that wind energy turbines and transmission lines kill birds. For example, in addition to the deadly Altamont site, the USFWS has documented 54 golden eagle kills by industrial-scale wind energy facilities. Exhibit 12 at 1. Yet the DEIS makes no quantitative estimate of the likely adverse impacts to golden eagles, bald eagles, burrowing owls, and other avian species from the construction of the project, when combined with all past, present and reasonably foreseeable future projects affecting golden eagles and other bird species which use the project site, nearby Lake Mohave, or which pass through the Piute Valley along the Pacific Flyway. DEIS at 4-131. Without a quantitative estimate of likely impacts, the cumulative effects analysis violates NEPA.

The DEIS's cumulative impacts analysis of avian species is similarly deficient. DEIS at 4-131. A total of seven species of raptor and 57 species of other birds were recorded on the project site in 2007-2009. DEIS at 3-31. BLM should prepare an independent analysis (in conjunction with the federal expert wildlife agency, USFWS) regarding the baseline populations of birds present or migrating through the project site and disclose this information in a supplement to the DEIS along with information about the impacts of various alternatives on these other bird species. Even if only a few red-tailed hawks or turkey vultures are killed or displaced it is significant from a conservation perspective. The Migratory Bird Treaty Act does not allow for incidental take, and any bird kill by wind turbines is a violation of the Act. As windpower projects expand, it is reasonable to expect that the overall number of mortalities will increase significantly—especially if the expansion is done in a manner that fails to consider impacts to wildlife.

Similarly, BLM has an obligation to ensure that activities affecting BLM sensitive species be consistent with management of those species *at the appropriate spatial scale*. BLM Manual 6840.2.C. For bighorn sheep, this means an evaluation of the cumulative impacts on the sheep that range through the Newberry and Eldorado mountains and for whom the project site is an important movement corridor and winter habitat. BLM has failed to provide any cumulative analysis of effects on bighorn sheep at the proper spatial scale. DEIS at 4-131. Nor has BLM provided any cumulative effects analysis on other BLM sensitive species, including bats, Gila

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Effects of rainfall were taken into consideration relative to desert tortoise in preparation of the Biological Assessment and the findings were presented in the EIS in Section 3.4.4.2-Existing Environment. The USFWS desert tortoise survey protocol provides survey methodology to determine presence/absence and abundance of desert tortoises for projects. Their model is based on the probability that a desert tortoise is above ground and includes required input relative to the previous winter's rainfall (October through March). The source of weather information was specifically provided by USFWS, namely; <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?nv7369>.

For a variety of reasons Altamont fatality numbers may be an outlier with regard to golden eagle fatalities at wind energy facilities. In addition to the dense configuration of older-generation turbines, high prey densities and lack of breeding eagles possibly attract sub-adults and floaters to the Altamont, contributing to the high activity and high fatality rates. In addition, the limited amount of repowering that has occurred at Altamont suggests that eagle (and raptor) fatality rates will decline as the older turbines are replaced by fewer, taller, and higher power-rated turbines. Initial results of the repowering suggest that golden eagle fatality rates could decline by more than 80% with complete turbine replacement and comparable power output (Insignia 2009; Smallwood and Karas 2009; ICF 2011).

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The intention is not to predict the number of fatalities due to turbine collision as pre-construction data poorly predicts fatalities for birds (Ferrer et al. 2012), but to determine if any species is at high risk to inform post-construction fatality monitoring.

At the time baseline surveys were completed for the project, Nevada had no official policy or protocols for avian pre-project surveys so protocols were developed between BLM and NDOW. In summary, two years of point count surveys, two seasons of raptor nest surveys, two years of bald eagle winter use surveys, and an aerial survey to assess the use of raptor nests were conducted.

No permitting framework exists that allows a company to protect itself from liability resulting from take at wind facilities; however, the USFWS does not usually take action under the MBTA if good faith efforts have been made to minimize impacts. A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and

Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy).

monster and chuckwalla.

3. The DEIS fails to discuss the cumulative effects of other energy projects and transmission lines.

The DEIS also fails to consider the cumulative effects of other energy projects currently being developed in desert tortoise habitat and which would affect other resources, such as golden eagles, impacted by the turbines at the Searchlight Wind Project site and the associated transmission line. The Searchlight Wind Project is not an isolated development project, but rather part of a concerted BLM effort to reach the goal of producing 10,000 MW of energy from renewable sources on public lands by 2015. This goal is defined explicitly as a “need” for this project. BLM must provide an evaluation of the cumulative effects of this project when combined with all other past, current, and reasonably foreseeable future projects that are being developed to meet the 10,000 MW goal, so that the public and the Secretary in deciding whether to approve the ROWs for this project can understand the context of the project in the overall impact of the push to industrialize federal public lands, and whether in that context this project should, or should not be, approved.

In southern Nevada alone, BLM currently has approved or pending 31 renewable energy generation and transmission projects, with a total of 5,585 MW of generation capacity project. See SNDO Renewable Energy Map, on enclosed CD-ROM and available at http://www.blm.gov/nv/st/en/fo/ivfo/blm_programs/energy/southern_nevada_renewable.html. These projects will have extensive cumulative effects on the residents and tourists in this region, on the wildlife species that live and migrate through there, and on the scenic and spiritual resources there. BLM must evaluate the impacts of these projects together as part of the cumulative effects analysis because they affect the same resources that the Searchlight project would affect.

The DEIS’s designation of the project site plus a 25% “buffer” as the cumulative impacts evaluation area (“project vicinity”) is arbitrary. DEIS at 4-129. Several resources that would be impacted directly by the Searchlight project are also under threat from other energy development projects. For example, the Piute-Eldorado Valley ACEC will be affected visually and by the sound from Searchlight on the south, but also is being affected by development of solar energy near Boulder City on the north edge. The Techren Solar Project, intended to generate 300 MW of power, recently submitted an application to the Public Utilities Commission that would allow construction on 2,200 acres within the Boulder City limits, Exhibit 35 (April 4, 2012 Legal Notice). The Boulder City limit adjoins the ACEC its north side, and the resource for which the ACEC was established—the desert tortoise—will suffer from loss of habitat and habitat connectivity within this critical habitat. BLM must evaluate the foreseeable impact of the Techren Solar Project along with other nearby energy projects that, cumulatively with the Searchlight project, will affect the ACEC and the imperiled tortoise.

Furthermore, BLM has not evaluated at least one renewable energy development project that is reasonably foreseeable to be developed within the 25% “buffer” around the project site. American Capital Energy is planning to construct a 20 MW solar array on a site in close

Refer to Section 4.17-Cumulative Impacts analysis for a discussion of cumulative impacts.

The projects identified within the area of cumulative effect were evaluated in Section 4.17.5-Potential Cumulative Impacts.

The geographic boundaries of the cumulative impacts analysis identified in the comment are described in the EIS in Section 4.17.5-Potential Cumulative Impacts. The geographical boundaries should not be extended to the point that the analysis becomes unwieldy and useless for decision-making. In many cases, the analysis should use an ecological region boundary that focuses on the natural units that constitute the resources of concern.

Section 4.17.4-Reasonable Foreseeable Actions has been updated to include the Searchlight Solar Project (e.g. American Capital Energy).

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proximity to the northwestern border of the Searchlight project site. Exhibit 36. In 2009, American Capital Energy entered into a long-term Power Purchase Agreement with Nevada Energy for the power to be generated from the Searchlight Solar Project, which is scheduled for completion in 2012. *See id.* Yet the DEIS does not mention or evaluate this reasonably foreseeable project almost adjacent to the Searchlight Wind project site, and which will have similar impacts to visual and aesthetic resources and desert tortoises. Similarly, the DEIS claims that three wind projects slated for development in the vicinity of the Searchlight project “were considered,” but the DEIS cumulative effects analysis table provides no details about what impacts those projects would have on resources—tortoises, golden eagles, visual and scenic resources, cultural and spiritual resources, tourism, and the local communities—that Searchlight Wind also would adversely affect. DEIS at 4-128 to 4-132.

In addition, USFWS’s The May 2011 desert tortoise Revised Recovery Plan discloses that over 6,350 MW of renewable power has been permitted or is pending permission on the public lands in desert tortoise habitat. Recovery Plan at 16. According to the Recovery Plan, USFWS has not evaluated the long-term effects of large-scale energy development fragmenting or isolating desert tortoise conservation areas and cutting off gene flow between areas of critical habitat and in high-quality tortoise habitat that is not designated as critical habitat. *Id.* BLM must coordinate with USFWS and produce that information for public review as part of an overall evaluation of the cumulative impact of this project and other renewable energy development projects on the tortoise. There are several nearby solar and wind energy development projects approved and proposed that will impact tortoises, and impacts may be far greater than anticipated at the approval stage. *See, e.g.* Exhibit 9 (describing that 166 tortoises have been removed from the BrightSource project in Ivanpah Valley, despite a pre-construction survey that found only 16 tortoises); *id.* at 5 (map showing solar projects affecting tortoises in the area surrounding the Searchlight project site).

In particular, BLM should disclose the ongoing efforts of the agency in cooperation with the State of California to develop and bring federal land use planning into conformance with the Desert Renewable Energy Conservation Program (“DRECP”). On April 4, 2012, BLM announced its intention to prepare an environmental impact statement for amendments to BLM land use plans in California to accommodate the DRECP. 77 Fed. Reg. 20,409 (Apr. 4, 2012). These amendments will be intended to advance state and federal conservation goals in the California desert adjacent to southern Nevada—including protection of the threatened desert tortoise—while identifying “the most appropriate locations” for utility-scale renewable energy resource projects. BLM must evaluate whether it should “call a time out” on approval and development of projects in Nevada while there is a comprehensive planning process currently going on that will more sensibly protect the same resources in the same desert where Searchlight Wind would be built.

The impacts of this transmission development have dramatically changed landscapes throughout thousands of acres of rural Nevada and adjoining states along with countless scenic vistas. This development is also killing or displacing an unknown number of birds and ongoing damage to cultural resources is occurring from the excessive ground disturbance and road building. The rapid expansion in industrial-scale solar and wind energy has occurred without any

The USFWS has evaluated the project effect on desert tortoise population in the Biological Opinion (Appendix B-2: USFWS Biological Opinion).

Comment noted.

programmatic review of the impacts of the generating sources, the existing transmission system, or the demands for new transmission lines. This has also occurred without an adequate understanding of how much renewable energy development the grid can accommodate and how projects could be prioritized for grid access based on environmental impacts. These significant changes warrant preparation of a comprehensive cumulative impacts analysis. The DEIS must be substantially revised to reflect the project's contributions to the impacts of wind and solar energy development in the Mojave Desert southern California and Nevada as part of a proper cumulative effects analysis.

CONCLUSION

The DEIS barely scratches the surface of the analysis which BLM is legally obligated to perform under NEPA, and provides no information whatsoever about options that BLM is considering for complying with its substantive obligations under FLPMA, the Endangered Species Act, the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and other statutory, regulatory and policy obligations. It is inadequate to understand, much less evaluate, the likely impacts of the project on desert tortoise, golden eagles, and the residents and tourists who depend on the current character of the surrounding lands which would be changed to their detriment for the foreseeable future.

As a result, the DEIS has failed to take a "hard look" at the issue before BLM, and cannot support any decisions by BLM other than to adopt the "no action" alternative and deny the ROWs requested on public lands the agency administers. The inadequacy of the DEIS, at a minimum, requires the preparation and issuance for public review of a supplemental DEIS addressing the deficiencies in the current document. However, the unacceptable impacts of the project on desert tortoises, golden eagles and other wildlife, the obliteration of scenic and spiritually-significant viewsheds, and the destruction of the current character and economy of the area are evident even from the limited information currently disclosed. As a result, we urge the BLM to adopt the "No Action" alternative (Alternative A) and deny ROWs for this project.

Sincerely,

s/ Judy Bundorf
Friends of Searchlight Desert and Mountains
Henderson, Nevada &
Grandpa's Road, Searchlight, Nevada

s/ Kevin Emmerich
s/ Laura Cunningham
Basin and Range Watch
P.O. Box 70, Beatty, Nevada 89003
editors@basinandrangewatch.org

Enclosures

Comment noted. For compliance details for these issues refer to Section 5.0-Consultation and Coordination, Appendix B-2: USFWS Biological Opinion, and Appendix B-4: Bird and Bat Conservation Strategy.

The provisions for preparation of a Supplemental EIS are described in 40 CFR 1502.9, (c) (1) (i), "The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts."

Preparation of a Supplemental EIS is not warranted because neither of these conditions apply, the proposed action has not been substantively changed since publication of the DEIS and no significant new information was provided or developed during the public comment period.

BLM Las Vegas Field Office,
Attn: Gregory Helseth
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

April 18, 2012

Via E-mail: BLM_NV_SNDO_SearchlightWindEnergyEIS@blm.gov

Subject: Comments on the DEIS for the Searchlight Wind Energy Project

Dear Mr. Helseth:

On behalf of The Center for Biological Diversity ("Center"), please accept the following comments on the DEIS for the Searchlight Wind Energy Project. We appreciate the notification of this opportunity to comment.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 350,000 members and on-line activists throughout Nevada and the United States.

We submit these comments on behalf of our members, activists, staff, and members of the general public who are interested in protecting native species and their habitats, quiet recreation activities, and wilderness experiences on BLM public lands, particularly those lands impacted by this project.

The development of renewable energy is a critical component of efforts to reduce carbon pollution and climate-warming gases, avoid the worst consequences of global warming, and to assist in meeting needed emission reductions. The Center strongly supports the development of renewable energy production. However, like any project, proposed wind power projects should be thoughtfully planned to minimize impacts to the environment. In particular, renewable energy projects should avoid impacts to sensitive species and habitat, and should be sited in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and the efficiency loss associated with extended energy transmission. Only by maintaining the highest environmental standards with regard to local impacts, and effects on species and habitat, can renewable energy production be truly sustainable.

The Center offers the following scoping comments for your consideration:

1. The DEIS fails to adequately disclose and evaluate the likely impacts of the project on natural resources.

The DEIS's discussion of likely impacts to wildlife, both birds and mammals, is cursory, omits discussion of significant scientific information, and fails to evaluate adequately the significant

Potential impacts to wildlife species are addressed throughout Sections 4.4-Biological Resources Impacts. Pursuant to Section 7 of the Endangered Species Act, BLM has complete consultation with the USFWS resulting in a Biological Opinion. Appendix B-2: USFWS Biological Opinion contains the required desert tortoise mitigation measures and a discussion of how such mitigation would be effective. A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution) on birds.

harm which the generation and transmission project is likely to cause to wildlife. The DEIS's discussion of impacts to desert tortoise that will result if BLM grants the requested ROWs is inadequate because it provides no information about mitigation. The DEIS similarly understates likely impacts to golden eagles, other avian species and bats.

BLM must collect, evaluate, and disclose to the public accurate and complete information about the likely impacts to wildlife from the project. The DEIS in its current form does not meet the level of adequacy and completeness required by law.

Of particular concern are the potential impacts to the desert tortoise, a threatened species protected by the Endangered Species Act ("ESA"). Golden and Bald Eagles, protected under the Bald and Golden Eagle Protection Act ("BGEPA"), as well as other raptors and birds protected under the Migratory Bird Treaty Act ("MBTA"), and bats, several of which are BLM and/or state sensitive species.

Desert tortoise

The DEIS discloses that during surveys conducted on the project site, 122 tortoises were located on the project site within the narrow survey belts, indicating a population of 8.2 tortoises per square kilometer. This is a very high density considering the average density of tortoises found by the U.S. Fish and Wildlife Service in its 2010 population monitoring for the Piute-Eldorado Area of Critical Environmental Concern, which encircles the project site was 3.2 tortoises per kilometer.¹ The entire East Mojave Recovery Unit had only an average density of 3.6 tortoises per kilometer.²

While technically the project area lies in "donut-hole" of undesignated tortoise habitat, it provides excellent tortoise habitat and is none-the-less critically important for the effort of recovering the Eastern Mojave population. In addition, the proposed project would fragment tortoise habitat and serve as a barrier to migration and gene-flow between the Eastern and Northeastern Mojave Recovery Units.

The DEIS is inadequate in that the public literally has no information on which to base comments regarding the specific impacts of this specific project on the tortoise or how BLM proposes to avoid or mitigate those impacts. There is no information about what mitigation is proposed, only a listing of possible measures that "may" be included. This failure to disclose is a serious flaw and the BLM should prepare a supplemental EIS to fill in the informational gaps for reviewers.

The ESA was enacted, in part, to provide a "means whereby the ecosystems upon which endangered species and threatened species depend may be conserved...[and] a program for the conservation of such endangered species and threatened species..." 16 U.S.C. § 1531(b). The

Effects to desert tortoise are discussed in Section 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives. Pursuant to Section 7 of the Endangered Species Act, BLM has complete consultation with the USFWS resulting in a Biological Opinion, which includes the required mitigation (Appendix B-2: USFWS Biological Opinion).

¹ U.S. Fish and Wildlife Service, 2010. Range-wide Monitoring of the Mojave Population of the Desert Tortoise – 2010 Annual Report. Table 6. Available at:

http://www.fws.gov/nevada/desert_tortoise/documents/reports/2010/2010_DRAFT_Rangewide_Desert_Tortoise_Population_Monitoring.pdf.

² Ibid.

ESA “is the most comprehensive legislation for the preservation of endangered species ever enacted by any nation.” *Tennessee Valley Authority v. Hill*, 437 U.S. 153, 180 (1978). The Supreme Court’s review of the ESA’s “language, history, and structure” convinced the Court “beyond a doubt” that “Congress intended endangered species to be afforded the highest of priorities.” *Id.* at 174. As the Court found, “the plain intent of Congress in enacting this statute was to halt and reverse the trend toward species extinction, whatever the cost.” *Id.* at 184.

Section 2(c) of the ESA establishes that it is “...the policy of Congress that all Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act.” 16 U.S.C. § 1531(c)(1). The ESA defines “conservation” to mean “...the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary.” 16 U.S.C. § 1532(3). Similarly, Section 7(a)(1) of the ESA directs that federal agencies to “utilize their authorities in furtherance of the purposes” of the ESA. 16 U.S.C. § 1536(a)(1)..

In order to fulfill the substantive purposes of the ESA, Federal agencies, such as BLM in this instance, are required to engage in consultation with the Fish and Wildlife Service to “insure that any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the adverse modification of habitat of such species... determined...to be critical...” 16 U.S.C. § 1536(a)(2) (Section 7 consultation). Section 7 consultation is required for “any action [that] may affect listed species or critical habitat.” 50 C.F.R. § 402.14. As part of the consultation, the action agency must first prepare a biological assessment. 16 U.S.C. § 1536(c)(1). Although procedural, consultation is the backbone of the ESA. As the Ninth Circuit recognized, “[o]nly by requiring substantial compliance with the act’s procedures can we effectuate” Congressional intent to protect species. *Sierra Club v. Marsh*, 816 F.2d at 1384 (9th Cir. 1987).

As part of the proposed project BLM has initiated consultation with the Fish & Wildlife Service (“Service”) regarding impacts to the threatened desert tortoise and its habitat in order to ensure against jeopardy and provide for the conservation of the species. *See Nat’l Wildlife Fed’n v. NMFS*, 524 F.3d 917, 933 (9th Cir. 2008) (holding that the ESA requires consideration of impacts to species’ prospects for recovery in jeopardy analysis). In order to engage in meaningful consultation the agencies must have adequate information regarding the baseline status of the species in the area of the proposed project as well as adequate identification and analysis of the likely impacts of the project on the species and its habitat and the long-term conservation of the species including direct, indirect and cumulative impacts. In this instance, the Service must be provided with sufficient information to determine the impacts of the proposed project on the tortoise including the degree to which the proposed project could undermine the species’ ability to recover in light of direct, indirect and cumulative impacts of the proposed project as well as other threats (including climate change and the need to preserve healthy tortoise populations that will well suited and positioned to adapt to rapid changes.).

Protocol level surveys for desert tortoise on the proposed project site, as previously noted, estimate the number of tortoises to be affected by this project at 122 animals. The actual number of desert tortoises on site is likely much higher, based on the effectiveness of protocol level

surveys on finding all onsite tortoises³, especially given the vast number of acres of the proposed project site, and the undercounting of juvenile animals. The survey data confirms that this area is at least moderate to high quality desert tortoise habitat with a population that is at least as robust as those within the neighboring Piute-Eldorado ACEC and should be protected as such.

Nowhere in the DEIS was protection from predators, particularly ravens, discussed. As ravens are a primary predator of juvenile tortoises and as they seek perches such as transmission poles from which to spot their prey, the BLM must address this threat to the tortoise. Additionally, the creation of new service roads poses an increased threat to tortoise from dirt bikes and off-highway vehicles. In a supplemental DEIS, the BLM must analyze this threat and disclose its impacts on tortoises and other creatures as well as how the impacts will be avoided, minimized and mitigated.

A primary concern is the possibility of any plan to relocate or translocate desert tortoises from the site.⁴ No information is provided about the need for translocation or about possible recipient sites, most importantly, their location, ability to absorb more animals and the permanency of the protection.

To date, translocation of desert tortoise always results in “take” of tortoises and certainly does not aide in the recovery of the threatened species. Even “successful” translocation has been documented to have a 15-21% mortality⁵. Significant losses of tortoises through a recent translocation effort in 2008 - the Fort Irwin translocation - resulted in over 20% mortality within the first year. Further monitoring has documented as of August 2009, over 250 desert tortoise (38%) have died in the translocation areas of Fort Irwin⁶. This translocation has resulted in further declines in the west Mojave recovery unit to the detriment of recovery of the species as a whole.

The Scientific Advisory Committee of the U.S. Fish and Wildlife Service’s Desert Tortoise Recovery Office has recently concluded that “translocation is fraught with long-term uncertainties, notwithstanding recent research showing short-term successes, and should not be considered lightly as a management option. When considered, translocation should be part of a strategic population augmentation program, targeted toward depleted populations in areas containing “good” habitat. The SAC recognizes that quantitative measures of habitat quality relative to desert tortoise demographics or population status currently do not exist, and a specific measure of “depleted” (e.g., ratio of dead to live tortoises in surveys of the potential translocation

Refer to Section 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives, which discusses increased perching opportunities for ravens and impacts from the introduction of new roads and associated increased traffic.

Mitigation measures proposed in the DEIS and issued in the Biological Opinion did not include translocation of tortoise, rather it was proposed that tortoises would be moved out of harm’s way during construction activities (Appendix B-2: USFWS Biological Opinion).

³ Anderson, D.R., K.P. Burnham, B.C. Lubow, L. Thomas, P.S. Corn, P.A. Medica and R.W. Marlow 2001. Field Trials of Line Transect Methods Applied to Estimation of Desert Tortoise Abundance. *Journal of Wildlife Management* 65(3): 583-597.

⁴ There is no currently agreed upon definition of relocation or how it differs from translocation, other than a sense it involves a shorter distance of movement of the animal. For these comments the two terms will be combined into the term, “translocation”.

⁵ Field, K.J., C. R. Tracy, P.A. Medica, R.W. Marlow, P.S. Corn 2007. Return to the Wild: Translocation as a Tool in Conservation of the Desert Tortoise (*Gopherus agassizii*). *Biological Conservation* 136: 232-245; and, Nussear, K.E. 2004. Mechanistic investigation of the distributional limits of the desert tortoise *Gopherus agassizii*. PhD dissertation. University of Nevada, Reno. Pgs. 213.

⁶ USFWS. 2009. Draft Biological Opinion for the Proposed Addition of Maneuver Training Lands at Fort Irwin, California (8-8-09-F-43R). Page 48.

area) was not identified.⁷ The proposed project can hardly be considered a “strategic augmentation program”.

These data and conclusions by desert tortoise experts negate any logical basis for presenting translocation as aiding in recovering the species. The risks associated with translocation in general are now well established and quite high⁸. Because of this, the agencies need to take seriously a full and honest evaluation of the need, if any, to site projects within essential, occupied desert tortoise habitat. Siting projects in areas that lack desert tortoise would preclude the need for translocation and the inevitable mortality that translocation causes.

If translocation must occur as part of the project implementation, the translocation plan needs to be thoroughly developed and vetted by knowledgeable tortoise science and management experts and provided for public review.

Any plan must thoroughly address a number of essential desert tortoise issues:

Disease Issues

The health of the desert tortoises that are on the site and proposed for translocation as well as the “host” tortoises in areas into which the translocated tortoises will be moved must be evaluated and addressed. Regardless of the proximity of the translocated and host tortoises, data still needs to be collected on the state of the population at a minimum to help inform the results of the translocation. If disease is present in either the translocated tortoises or “host” tortoises, concentrating tortoises into off-site areas may exacerbate disease transmission and outbreaks especially coupled with the stresses of translocation, competition for scarce resources, defense of existing territories (host population), establishment of new territories (relocated population), etc.

Carrying Capacity

The carrying capacity of the translocation sites, and their ability to support greater tortoise densities over the long-term must be assessed. While a die-off of tortoises is known from the Ivanpah Valley in the 1990’s, there is no evidence presented in any of the documents that the habitat has the capacity to provide resources to sustain over the long-term a higher density population. In light of global climate change and its effects currently occurring on the desert⁹, the habitat may simply not be able to support a more concentrated population now or into the future.

⁷ USFWS, 2009. Scientific Advisory Committee (SAC), Desert Tortoise Recovery Office. Meeting Summary, March 13, 2009, San Diego Wild Animal Park, Escondido, CA. pgs 4.

http://www.fws.gov/Nevada/desert_tortoise/documents/sac/20090313_SAC_meeting_summary.pdf

⁸ Dodd, C.K. and R.A. Seigel 1991. Relocation, repatriation and translocation of amphibians and reptiles: are they conservation strategies that work? *Herpetologica* 47(3): 336-350.

⁹ Kelly, A. E. and M.L. Goulden 2008. Rapid shifts in plant distribution with recent climate change. *Proc Natl Acad Sci USA* 105:11823–11826.

Monitoring

Not only should the translocated tortoises be monitored but it is essential that the “host” tortoises also be monitored, to truly evaluate the status of the translocation. Rigorous monitoring needs to be included in the plan.

Objectives and Analyses

Criteria of success must identified in the translocation plan. Monitoring must be tied to triggers for action, adaptive management, or success criteria. Benchmarks for success need to be identified and additional requirements put in place to mitigate failures of this experimental proposal.

Timing

Translocation of desert tortoise should be done in spring when possible. Translocation in the fall is not optimal especially if summer/fall rains do not occur. If translocation must occur, flexibility in timing is essential to help to assure successful translocation to help meet the minimization standard.

Long-term assurances

Measures must be put in place to assure the long-term protection of the desert tortoises that are moved and the habitat into which they are moved. As the BLM is well aware, multiple projects are proposed for this same area, and other areas in the Mojave Desert. Assurances must be included so that the desert tortoise affected by this project are not impacted again by a subsequent project. We remain concerned however, that lacking a comprehensive strategy for tortoise conservation. Tortoises could be translocated multiple times, which clearly will be detrimental to the species and its recovery.

Golden and bald eagles

These two species are among the species considered by the BLM to being sensitive species in Nevada.

Management of special status species (and indeed all rare species) on BLM lands should focus on ensuring long term survival and recovery in order to prevent the need for future listings. Little in the DEIS shows that the BLM took into consideration these critical management concerns. See BLM Manual 6840.2.C (Implementation) (“BLM shall manage Bureau sensitive species and their habitats to minimize or eliminate threats affecting the status of the species or to improve the condition of the species habitat, by . . . [e]nsuring that BLM activities affecting Bureau sensitive species are carried out in a way that is consistent with its objectives for managing those species and their habitats at the appropriate spatial scale . . . [and] [c]onsidering ecosystem management and the conservation of native biodiversity to reduce the likelihood that any native species will

require Bureau sensitive species status”).

The DEIS notes that golden eagles are potentially nesting in the nearby mountain regions encircling the project and through surveys identified at least three eagle nests within 4-miles of the project. The DEIS fails to present exactly how it will mitigate the loss of a substantial amount of foraging habitat for the golden eagle, either as a result of this project, or cumulatively as a result of projects within the Piute-Eldorado Valleys. The fact still remains that significant amounts of foraging habitat will decrease carrying capacity of the landscape and could result in a potential loss of habitat needed to support a nesting pair, which would impact reproductive capacity.

The DEIS fails to disclose the number of pairs of golden eagles that could be affected by the proposed project. Scientific literature on this subject is clear - the presence of humans detected by a raptor in its nesting or hunting habitat can be a significant habitat-altering disturbance even if the human is far from an active nest¹⁰. Regardless of distance, a straight line view of disturbance affects raptors, and an effective approach to mitigate impacts of disturbance for golden eagles involves calculation of view sheds using a three-dimensional GIS tool and development of buffers based on the modeling¹¹. Also, since golden eagles use only a small subset of their home territories during nesting for foraging, these essential areas may include the proposed project site, however the DEIS does not analyze this important factor of nesting success.

While bald eagles are unlikely to utilize the project area for long-term habitat, they do utilize nearby Lakes Mead and Mojave during the winter. Nowhere does the BLM examine the likely or possible impacts on migrating or over-wintering bald eagles in this DEIS.

Because environmental review does not adequately identify or analyze impacts to eagles from the proposed project it is impossible for the BLM to ensure that the project is consistent with the Migratory Bird Treaty Act (16 U.S.C. § 701 *et seq.*) or the Bald and Golden Eagle Protection Act (16 U.S.C. § 668 *et seq.*), both of which prohibit take.

To address this data and analysis disclosure deficiency, the BLM must prepare a supplemental EIS containing said analysis. Further, the BLM should require that the proponent pursue an incidental take permit under the BGEPA as part of the terms and conditions of receiving a ROW Permit.

Other BLM sensitive species and migratory birds

While surveys were conducted for birds and bats, there was little to no disclosure of how the BLM intended to avoid, minimize or mitigate the potential impacts. Instead, it was inferred that the details would be worked out later in an avian and bat protection plan. This approach affords

As discussed in the EIS, the Proposed Project would result in the loss of some foraging habitat for the golden eagle; however, the proportion of foraging habitat that would be lost due to the Proposed Project is small compared to the total amount of available foraging habitat within the Piute and Eldorado Valleys.

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The BBCS provides a qualitative risk assessment for the effect of a factor (e.g., collision, electrocution) on birds. The intention is not to predict the number of fatalities due to turbine collision as pre-construction data poorly predicts fatalities for birds (Ferrer et al. 2012), but to determine if any species is at high risk to inform post-construction fatality monitoring.

¹⁰ Richardson and Miller. 1997. Recommendations for protecting raptors from human disturbance: a review. Wildlife Society Bulletin 25(3): 634-638.

¹¹ Camp, R.J., D.T. Sinton and R.L. Knight 1997. Viewsheds: a Complementary Management Approach to Buffer Zones. Wildlife Society Bulletin 25(3): 612-615; and Richardson and Miller. 1997. Richardson and Miller 1997

the stakeholders little to no opportunity to review, analyze and comment on the effectiveness of the proposed measures and how they will affect the environmental impacts.

It must also be noted that the project area borders and engulfs an Audubon Important Bird Area ("IBA"), the Catclaw Washes IBA, which has formally recognized status at the state level.¹²

The unique vegetation of the washes supports a suite of bird species that is distinct from the surrounding desert. The washes were nominated and recognized for the critical resources they offer to Phainopepla, a species of concern in Nevada. Phainopepla rely heavily on the mistletoe seed crop produced in these areas, the mistletoe in turn is dependent on the catclaw acacia and mesquite as hosts. The Phainopepla also nest in the acacia and mesquite. The densities of Phainopeplas at this site are consistently among the highest in the state (only two other sites have comparable densities), and in some years, breeding success in Piute Valley is higher than anywhere else known. Moreover, the milder temperatures at this complex of sites may help Phainopeplas persist when they cannot occupy other sites in the state (sub-freezing temperatures cause mistletoe berries to freeze, leaving the birds nothing to eat). Many other species of concern in Southern Nevada utilize the tall shrubs and trees found in these washes. Many species of birds utilize these washes as stopover sites for migration gain opportunities for foraging, resting, and accessing surface water where it is available.¹³

2. The DEIS fails to Adequately Identify Appropriate Mitigation

Because the DEIS largely fails to provide adequate identification and analysis of impacts, inevitably, it also fails to identify adequate mitigation measures for the project's environmental impacts. "Implicit in NEPA's demand that an agency prepare a detailed statement on 'any adverse environmental effects which cannot be avoided should the proposal be implemented,' 42 U.S.C. § 4332(C)(ii), is an understanding that an EIS will discuss the extent to which adverse effects can be avoided." *Methow Valley*, 490 U.S. at 351-52. Because the DEIS does not adequately assess the project's direct, indirect, and cumulative impacts, its analysis of mitigation measures for those impacts is necessarily flawed. The DEIS must discuss mitigation in sufficient detail to ensure that environmental consequences have been fairly evaluated." *Methow Valley*, 490 U.S. at 352; see also *Idaho Sporting Congress*, 137 F.3d at 1151 ("[w]ithout analytical detail to support the proposed mitigation measures, we are not persuaded that they amount to anything more than a 'mere listing' of good management practices"). As the Supreme Court clarified in *Robertson*, 490 U.S. at 352, the "requirement that an EIS contain a detailed discussion of possible mitigation measures flows both from the language of [NEPA] and, more expressly, from CEQ's implementing regulations" and the "omission of a reasonably complete discussion of possible mitigation measures would undermine the 'action forcing' function of NEPA."

Although NEPA does not require that the harms identified actually be mitigated, NEPA does require that an EIS discuss mitigation measures, with "sufficient detail to ensure that

Comment noted.

Comment noted.

BLM requires that mitigation measures are identified as a stipulation of the ROW Grant. Development of mitigation plans often requires input, review, and approval by other regulating agencies such as USFWS, NDEP, DAQ, and NDOT and are not typically completed prior to a Final EIS. However, all the elements and basic requirements of the mitigation plans are discussed throughout the EIS.

¹² For more information on IBA status and other terms, refer to:

http://web4.audubon.org/bird/iba/IBA_Status_Terms.html

¹³ See: <http://iba.audubon.org/iba/profileReport.do?siteId=981>

environmental consequences have been fairly evaluated” and the purpose of the mitigation discussion is to evaluate whether anticipated environmental impacts *can be avoided*. *Methow Valley*, 490 U.S. at 351-52. As the Ninth Circuit recently noted: “[a] mitigation discussion without at least *some* evaluation of effectiveness is useless in making that determination.” *South Fork Band Council of Western Shoshone v. DOI*, 588 F.3d 718, 727 (9th Cir. 2009) (emphasis in original).

Here, the DEIS mostly relies on the preparation of future plans, with no specificity provided as to what the plans will do, and does not provide a full analysis of possible mitigation measures to avoid or lessen the impacts of the proposed project and therefore the BLM cannot properly assess the likelihood that such measures would actually avoid the impacts of the proposed project.

A supplemental DEIS must be prepared to provide the lacking specificity and details so that a meaningful evaluation of the proposal and its impacts can be achieved.

3. Selection of Alternative and Adequacy of the DEIS

NEPA’s disclosure goals are two-fold: (1) to insure that the agency has carefully and fully contemplated the environmental effects of its action, and (2) to insure that the public has sufficient information to challenge the agency’s action. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 322, 349 (1989); *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1151 (9th Cir. 1998). NEPA’s “sweeping commitment [is] to prevent or eliminate damage to the environment and biosphere by focusing government and public attention on the environmental effects of proposed agency action.” *Marsh v. Or. Natural Resources Council*, 490 U.S. 360, 371 (1989) (quoting 42 U.S.C. § 4321). The Council on Environmental Quality (“CEQ”) promulgated uniform regulations to implement NEPA that are binding on all federal agencies. 42 U.S.C. § 4342; 40 C.F.R. §§ 1500 *et seq.*

NEPA requires agencies to prepare an EIS for any “major federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). An EIS must analyze the direct, indirect, and cumulative environmental impacts of the proposed action. Direct effects are caused by the action and occur at the same time and place as the proposed project. 40 C.F.R. § 1508.8(a). Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. *Id.* at § 1508.8(b). Both types of impacts include “effects on natural resources and on the components, structures, and functioning of affected ecosystems,” as well as “aesthetic, historic, cultural, economic, social or health [effects].” *Id.* at § 1508. Cumulative impact results when the “incremental impact of the action [is] added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” *Id.* at § 1508.7.

A major purpose of NEPA is to ensure that federal agencies conduct fully informed environmental decision-making. NEPA promotes its sweeping commitment to “prevent or eliminate damage to the environment and biosphere” by focusing the attention of federal decision makers and the public on the environmental and other impacts of proposed agency action. 42 U.S.C. § 4321. By focusing agency attention on the environmental and socioeconomic

All mitigation plans will be disclosed in the FEIS or as a stipulation of the ROW grant with the exception of the Site Rehabilitation and Facility Decommissioning Plan, which will be completed 6 months prior to project closure.

impacts of a proposed action, NEPA ensures that the agency will not act on incomplete information, only to regret its decision once finalized. See *Methow Valley Citizens Council*, 490 U.S. at 349. To that end, “[t]he sweep of NEPA is extraordinarily broad, compelling consideration of any and all types of environmental impacts of federal action.” *Calvert Cliffs’ Coordinating Comm. v. U.S. Atomic Energy Comm’n*, 449 F.2d 1109, 1122 (D.C. Cir. 1971). An agency must “take the initiative of considering environmental values at every distinctive and comprehensive stage of the process.” *Id.* at 1111. Federal agencies must consider all reasonably foreseeable environmental impacts at the earliest possible stage of a project’s development and fully such impacts before making a decision to proceed with the project.

Under the NEPA regulations, a draft EIS “must fulfill and satisfy to the fullest extent possible the requirements established for final statements.” 40 C.F.R. § 1502.9(a). When a draft EIS “is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” *Id.* Substantial changes in the proposed action, or significant new circumstances or information relevant to environmental concerns, trigger a mandatory obligation to prepare a supplemental draft EIS. *Id.* § 1502.9(c)(1).

“NEPA’s public comment procedures are at the heart of the NEPA review process” and reflect “the paramount Congressional desire to internalize opposing viewpoints into the decision making process to ensure that an agency is cognizant of all the environmental trade-offs that are implicit in a decision.” *Cal. v. Block*, 690 F.2d 753, 770-71 (9th Cir. 1982). It is only at the stage when the draft EIS is circulated that the public and outside agencies have the opportunity to evaluate and comment on the proposal. *Id.* at 771. “No such right exists upon issuance of a final EIS.” *Id.* Consequently, an agency’s failure to disclose the impacts of a proposed action before the issuance of a final EIS defeats NEPA’s goal of encouraging public participation in the development of information during the decision making process. *Half Moon Bay Fishermans’ Marketing Ass’n v. Carlucci*, 857 F.2d 505, 508 (9th Cir. 1988).

BLM is required to “describe the environment of the areas to be affected or created by the alternatives under consideration.” 40 CFR § 1502.15. The establishment of the baseline conditions of the affected environment is a practical requirement of the NEPA process. In *Half Moon Bay*, the Ninth Circuit states that “without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA.” 857 F.2d at 510. Similarly, without a clear understanding of the current status of these public lands BLM cannot make a rational decision regarding proposed project. See *Ctr. for Biol. Diversity v. BLM*, 422 F. Supp. 2d 1115, 1166-68 (N.D. Cal. 2006) (holding that it was arbitrary and capricious for BLM to approve a project based on outdated and inaccurate information regarding biological resources found on public lands). As described throughout these comments, BLM has failed to provide accurate baseline information about a wide variety of resources at and surrounding the project site, including the status of the desert tortoise and other sensitive and rare plant and animal communities.

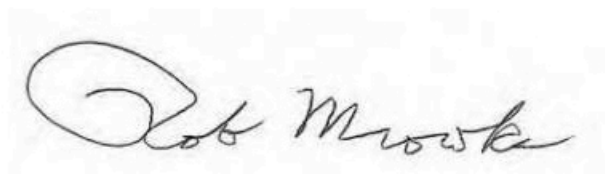
A draft Environmental Impact Statement must provide the public with sufficient information to permit meaningful consideration of the action under agency review. *Cal. v. Block*, 690 F.2d at 772. The DEIS here fails to provide sufficient information in several regards and requires supplementation and further opportunity for public review and comment.

Refer to Chapter 3-Affected Environment, which discusses in detail the baseline of the proposed project area.

Contributing to the deficiencies in the DEIS, the BLM fails to adequately disclose its reasoning for their preference of the 87 wind turbine alternative, other to state that because it disturbs marginally less land it results in the least environmental impacts. Only with respect to air quality and meeting state implementation plans is any specific rationale offered. The BLM must prepare a supplemental DEIS to disclose not only its rationale for the 87 turbine alternative, but also it should evaluate other configurations and designs that minimize the adverse impacts, particularly on birds and bats.

The Center appreciates the opportunity to comment on this project and hopes to be able to review the much needed supplemental DEIS prepared to address these and other comments.

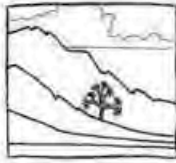
Sincerely yours in conservation,

A handwritten signature in black ink that reads "Rob Mrowka". The signature is fluid and cursive, with the first name "Rob" and last name "Mrowka" clearly legible.

Rob Mrowka
Ecologist/Conservation Advocate

The provisions for preparation of a Supplemental EIS are described in 40 CFR 1502.9, (c) (1) (i), "The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts."

Preparation of a Supplemental EIS is not warranted because neither of these conditions apply, the proposed action has not been substantively changed since publication of the DEIS and no significant new information was provided or developed during the public comment period.



Basin and Range Watch

April 18, 2012

BLM, Las Vegas Field Office
Attn: Greg Helseth, Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

ghelseth@blm.gov

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Dear Greg,

We would like to submit this supplement letter to the comment letter we signed on to for the Draft Environmental Impact Statement (DEIS) for the Searchlight Wind Energy Project (NVN-084626)

Basin and Range Watch signed on to the letter with Judy Bundorf and Friends of Searchlight Deserts and Mountains. While most of our ideas were represented in that letter, we would like to add this additional comment on Cultural Resources that was not covered in the original letter.

On Wednesday, April 10th, we traveled to Needles, California to interview Phillip Smith who is a Chemehuevi Elder. We wanted to ask him his opinion of how cultural artifacts and values would be impacted by the development of the proposed Searchlight Wind Energy Facility. Mr. Smith told us he does not represent the Chemehuevi Tribal Council, but is a concerned elder.

In order to keep this as accurate as possible, we have included the original notes from the conversation. Due to the sensitive nature of cultural resources, we would also like to request that this letter not be placed in the public comment viewing section of the Final Environmental Impact Statement.

Mr. Smith informed us that the Bureau of Land Management did meet with members of the local tribes, but very little specific information about what is actually out there was discussed.

In general, many of us are concerned that the BLM and Duke Energy failed to do a complete survey and inventory of the cultural resources located on the Searchlight Wind Energy site. Many of the prioritized renewable energy projects (formerly referred to as Fast Track Projects) have been approved with unsatisfactory biological or cultural surveys. The Genesis Solar Power Project just west of Blythe, California was approved by the Interior Department before adequate

The overall Project area has previously been disturbed from a century of mining activities. Tailings piles, adits, dirt roads, and prospects dot the landscape. The Class III cultural resources survey was conducted within the Project's linear Area of Potential Effect (APE), currently defined as any area to be disturbed plus a 200-ft. buffer around all project roads and facilities. The proponent would be required to stay within the Project's linear corridor and would not disturb non-inventoried lands if the Right-of-Way is granted.

cultural resource surveys could be conducted. As a result, federal and state agency officials caught off guard when large Earth movers-uncovered evidence of a human settlement that was possibly an ancient cremation site. <http://articles.latimes.com/2012/feb/11/local/la-me-solar-foxes-20120211>

The same deferred mitigation tactics are being used to review the Searchlight Wind Project. In order to prevent a repeat of the Genesis problem, we believe that BLM and Duke Energy will need to conduct more complete cultural resource surveys on the project site before a decision can be made about impacts to cultural resources.

Thank you,

Submitted by:

Basin and Range Watch

Kevin Emmerich

Laura Cunningham

P.O. Box 70

Beatty, Nevada, 89003

Interview with Phil Smith, Chemehuevi Elder, Needles, California. April 10, 2012.

Mr. Smith gave us his verbal permission to write down his statements and submit them on his behalf as comments to the Draft Environmental Impact Statement for the Searchlight Wind Energy Project in Clark County, Nevada. Notes taken by Laura Cunningham.

Phil Smith: Cottonwood Island is where Chemehuevi and Mojaves lived together on the island and intermarried, and they also came up through the Searchlight Hills. There is a woman who lives in Searchlight, she is a historian. She is in her nineties. She says there are some burial sites south of Cottonwood Road in the project site.

I looked around there, I found an old heavily used trail in the hills of the southern part of the project site. Maybe it goes through to Spirit Mountain or the River, and to Ivanpah. I just looked, I want to go back.

The bones at Searchlight, they would be Chemehuevi. If it was a cremation would be Mojave.

NHPA Law 106 means consultation. We had one visit with BLM (to the Searchlight Wind project site). Also Shoshone, Hualapai. One visit to look at tower sites. This is unfinished, we need more study, we need to come back on more visits, but we have not heard back from BLM. On our visit with BLM it was getting too hot so we stopped. But this is unfinished. They think they can get us

out there one time and that's it. For the coal burning plant in Ivanpah Valley SCE met with all the Tribes, in their tribal offices. But the solar companies, BLM, don't do this now.

There are many turtles there. Wildlife is returning there, we need to protect them.

The turbine view from Spirit Mountain is a concern.

This project needs to have a Cultural Monitor.

There were stories there before there were projects.



DESERT TORTOISE COUNCIL

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April 13, 2012

Via Email and U.S. Mail

Mr. Gregory Helseth
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Las Vegas, NV 89130-2301
BLM_NV_SNDO_SearchlightWindEnergyEIS@blm.gov

Re: Draft Environmental Impact Statement for the Searchlight Wind Energy Project (NVN – 084626)

Dear Mr. Helseth:

The Desert Tortoise Council welcomes the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the proposed Searchlight Wind Energy Project (Searchlight WEP).

The Council is a private, non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of this species. Established in 1976 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council regularly provides information to individuals, organizations and regulatory agencies on matters potentially affecting the desert tortoise within its historical range. Accordingly, our comments will focus on the potential impacts of the Searchlight Wind Energy Project to the Mojave desert tortoise and the tortoise populations on the proposed site.

The Council believes the potential impacts of Searchlight WEP on biological resources cannot be reduced to less than significant levels because the acreage provides especially valuable habitat for the conservation and recovery of the Federal listed Mojave desert tortoise. While the proposed site is not within a Desert Wildlife Management Area (DWMA), the *Desert Tortoise Recovery Plan* states: "Habitat outside DWMA's may

Comment noted.

provide corridors for genetic exchange and dispersal of desert tortoises among DWMAs” (1994, 60). The Mojave desert tortoise was listed as a “threatened species” under the Federal Endangered Species Act in 1990 because of the precipitous decline in desert tortoise numbers due to human-caused mortality and the destruction and fragmentation of desert tortoise habitat. Siting Searchlight WEP on occupied desert tortoise habitat would contribute directly to the continued decline of the Mojave desert tortoise. Given that desert tortoise populations have been extirpated or almost extirpated from large portions of their geographical range in Nevada, it is reasonable that this valuable habitat be protected for desert tortoise conservation rather than for energy generation.

Tortoise populations within the project area appear to be greater than populations within the adjacent DWMA. According to the *Range-Wide Monitoring of the Mojave Population of the Desert Tortoise: 2010 Annual Report* (USFWS 2010, Table 6) and *Range-Wide Monitoring of the Mojave Population of the Desert Tortoise: 2008 and 2009 Annual Report* (USFWS 2010, Table 11 & 12) populations in the Piute-Eldorado DWMA have ranged from 3.1 -3.7 tortoises per square kilometer. According to the Desert Tortoise Survey of the proposed Duke Wind Searchlight Wind Energy Farm (SNEI 2011) the tortoise density within the project area was approximately 8.2 tortoise per square kilometer. This density is more than two times higher than in the DWMA. The importance of the desert tortoise population at the proposed site and the necessity of protecting it is further supported by scientific evidence that the population density there is comparatively higher than other areas in Nevada. Protecting this tortoise population - part of the Eastern Desert Tortoise Recovery Unit - will contribute to ensuring the genetic diversity of the Mojave desert tortoise.

Of particular concern is the area north of Highway 164 where it appears from Figure 1 SNEI Desert Tortoise Survey the density could be around 16 tortoises per square kilometer. If the project is approved, wind turbine generators (WTG) 1-28 need to be removed from the project to protect this high population of tortoises.

According to the DEIS, the 96 WTG Alternative will permanently impact 160 acres and temporarily impact 249 acres of desert tortoise habitat. Because habitat recovers very slowly in the desert, all impacts should be considered permanent. Robert Webb explains that - depending on the assumptions of the model - “the extrapolated amount of time for complete or 90% recovery of compacted [desert] soils ranges from 80 to 120 years for coarse-grained soils....” He adds that severely disturbed sites “may require as little as a century or as long as several thousand years for full recovery of species composition” (2009). By way of illustration, Wilshire, Nielson and Hazlett report that “severely compacted soils at 29 of 31 abandoned military bases and mining town sites have not recovered even after 91 years without human occupation” and recovery of plants and animal species “is likely to take much longer, on the order of a millennium” (2008, 305).

The Cumulative Effects section in Chapter 4 only addresses known BLM projects that could be developed in the area. Are there other large-scale projects proposed for the area not on BLM land? If so, these also need to be addressed here.

Comment noted. BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion).

Comment noted.

Section 4.17.4-Reasonable Foreseeable Actions has been updated to include methodology on how non-federal projects and federal project near the Searchlight Wind Energy Project were identified for the cumulative analysis.

Direct and indirect impacts from the project will be long lasting. It will mean not only maintenance vehicles within the area, but, as mentioned in the document, increased traffic from OHV recreationalists which will further increase the potential of tortoise being struck by vehicles. Not only because of the increased roads in the areas, but because of the width and smoothness of the roads which will enable vehicles to travel at a higher rate of speed. It could also mean additional habitat disturbance within the area as vehicles travel off the main roads. Since there is likely to be more use in the area, there is also likely to be additional trash, bringing more ravens, which feed on juvenile tortoises.

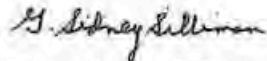
Mitigation provided in the DEIS does nothing to mitigate for the residual impacts to desert tortoises or other species on site.

The current rate of \$786/acre for loss of habitat seems low in light of the current market for land to use for alternative energy development and mitigation for other projects. In addition, due to the density of tortoise on the site, the mitigation ratio should be at least 3:1 for habitat compensation.

In sum, based on our assessment of the proposed project's location, configuration, minimal mitigation, residual and other potential impacts to desert tortoise, the Desert Tortoise Council believes there will be significant impacts to tortoises and recommends the No Project/No Action Alternative with respect to Searchlight Wind Energy Project.

Thank you for the opportunity to comment on the DEIS. Please contact me by telephone at (909) 946-5027, by e-mail at gssilliman@csupomona.edu, or by U.S. mail at the address below if you wish clarification of these comments.

Sincerely,



Sidney Silliman, Ph.D.
Desert Tortoise Council
1225 Adriana Way
Upland, CA 91784

References

Desert Tortoise Recovery Team, U.S. Fish and Wildlife Service. *Desert Tortoise (Mojave Population) Recovery Plan*. Portland: U.S. Fish and Wildlife Service, 1994.

SNEI Tortoise Survey of the proposed Duke Wind Searchlight Wind Energy Farm. 2011

U.S. Fish and Wildlife Service. *Draft Revised Recovery Plan for the Mojave Population of the Desert Tortoise (Gopherus agassizii)*. U.S. Fish and Wildlife Service, California and Nevada Region, Sacramento, California. 2008.

Comment is consistent with information already presented throughout Section 4.4-Biological Resources Impacts.

Residual impacts are defined as impacts that remain after mitigation measures have been implemented.

The rate is determined by USFWS and adjusted annually for inflation. At the time the DEIS was published \$786/acre was the rate; however, the rate is currently \$810/acres and this is reflected in the Biological Opinion.

Comment noted.

U. S. Fish and Wildlife Service. *Range-Wide Monitoring of the Mojave Population of the Desert Tortoise: 2008 and 2009 Annual Report*. Reno, Nevada: Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service. 2010.

U. S. Fish and Wildlife Service. *Range-Wide Monitoring of the Mojave Population of the Desert Tortoise: 2010*. Reno, Nevada: Desert Tortoise Recovery Office, U.S. Fish and Wildlife Service. 2010.

Webb, Robert H. "Disturbance, Vulnerability, and Recoverability of Soils and Vegetation in the Mojave Desert." Presentation at the Southern California Botanists 35th Annual Symposium "Desert Botany: Bounty or Bust," California State University, Fullerton. October 17, 2009.

Wilshire, Howard G., Jane E. Nielson, and Richard W. Hazlett. *The American West At Risk: Science, Myths, and Politics of Land Abuse and Recovery*. New York: Oxford University Press, 2008.

April 18, 2012

RE: Comments on the Searchlight Wind Energy Draft EIS (NVN-084626 & NVN-086777)

Dear Mr. Helseth:

Please accept the following comments on behalf of our organization, the Nevada Wilderness Project (NWP). The NWP is a membership-based organization involving over 2,000 people. We serve as a catalyst for wildlife habitat conservation, wilderness preservation, and smart development of renewable energy. We have work on conservation issues affecting public lands and since our inception in 1999, we have successfully led statewide campaigns to protect more than 3 million acres as Wilderness and National Conservation Areas and have proffered advice, influence and commentary toward carefully-crafted land use policies and decisions. We acknowledge this nation's objective to reduce its emissions of greenhouse gases into the atmosphere and support the wise development of renewable energy pursuant to the Energy Policy Act of 2005 as one effort to achieve that objective.

We thank the Bureau of Land Management (BLM) for the opportunity to comment on the Draft Environmental Impact Statement (DEIS) and Notice of Segregation addressing Duke Energy's (Applicant) request for a public lands right-of-way (ROW) grant for its proposed Searchlight Wind Energy Project (Project) near the town of Searchlight, Nevada. The DEIS also addresses the Western Area Power Administration's (Western) proposal (ROW application NVN-086777) to construct and operate its new switching station to interconnect electricity produced by the Project into its electrical grid. We also address this element of the development within our comments.

We support the Applicant's Project Alternative involving the placing of 87 wind turbine generators (WTGs), also identified as BLM's Preferred Alternative. As a conservation-minded organization NWP is not inclined to investigate the Applicant's business considerations, so we must assume that the preferred alternative represents the lowest footprint allowed while maintaining the Applicant's commitment to meet their power purchase agreement with Western. Given the choices, our support is principally founded on the fact that preferred alternative results in a reduced sum of disturbed acreage. We acknowledge the "fast-track" designation applied to the Project and the resultant determination that a No-Action Alternative is not considered within the DEIS.

Off Highway Vehicle (OHV) Traffic – The NWP recognizes that presently there are unimproved roads and trails within the Project area that now support limited vehicular use. Most of these roads were created many years ago to access mine sites. Others were used to access locations where artificial water developments, commonly called "guzzlers", were built for the benefit of area wildlife, specifically Gambel's quail. Transmission line maintenance roads were also established in the area. Accordingly, there has been and continues to be significant vehicular

A no action alternative is considered in the DEIS (Refer to Section 2.1.2.1-No Action Alternative).

access to the landscape of the Project area and beyond. However, given the nature of the habitat and the fact that these were and are not operationally maintained routes, many of the roads and trails have fallen into disrepair either because of natural effects or because of indiscriminate use by vehicle operators, most recently by OHVs classified as all-terrain vehicles – ATVs, or quads.

Because of the rough condition of these roads and trails, vehicles had to negotiate them at comparatively low rates of speed. We are concerned vehicle speeds will increase with the improvement of existing routes and the construction of new roads for the Project. The Applicant has addressed this for the construction phase of the Project by invoking a 15MPH speed limit by construction vehicles during period of high tortoise activity (see Applicant's Proposed Measures [APM] *MM BIO-3: Biological Opinion*). We can only speculate how much additional traffic will be encouraged by the improved roads and the speeds at which these vehicles will travel. Any increase in either traffic volume or rate of speed should be considered a hazard to ground-dwelling animals, particularly the slow-moving desert tortoise, Gila monster and a number of other reptiles.

The Applicant has offered the APM of a Traffic Management Plan (*MM TRAN-1*) for the Project's construction phase. We advise that a post-development traffic plan is necessary to monitor these concerns and to act on them if the monitoring data indicates that actions to ameliorate impacts are necessary. This plan would extend beyond the APM for mitigation described within *MM BIO-1: Interim Reclamation*. Actions described within the plan could involve fencing and gating to deny access just within the Project area and construction of an access road for recreationists that circumvents the Project area. At a minimum we believe that signage should be erected that cautions vehicle operators to be mindful of animals on these roads and trails during critical time periods, these being agreed upon by biological experts.

Desert Tortoise – The Project area exists within habitat designated as “moderate” for tortoise population occurrence. This is habitat that tends to have a greater slope and is often characterized by rocky terrain. We are concerned that the criteria used for this designation may overlook tortoise observation biases within the landscape in this zone; the ability for an observer to see a tortoise relative to the clutter (rocks, scree, plants) within the view area. Simply, tortoises are easier to see in washes than they are amidst ground littered with rocks, vegetation and other physical masses.

We assume that the Applicant, having received considerable comment regarding the impacts to this threatened species, exercised diligence in the final configurations of the 96 and 87 WTG layout alternatives. One would assume that the clustering of the towers could mitigate land disturbance, particularly in avoidance of tortoise impacts. However, it is also apparent that the disciplined search protocols employed by the Applicant's biological contractors resulted in the location of a surprising number of tortoises within the Project area and that the locations were well-distributed therein. We believe that construction of WTG cluster 53-86 will be particularly problematic in creating direct tortoise mortality.

Post-construction traffic would be limited to maintenance vehicles and is not expected to affect the current level of service of the existing recreational and local traffic; therefore an additional Traffic Management Plan would not be warranted.

Comment noted.

Raptors – The perils of WTGs upon birds in flight is heavily discussed and there is a growing body of research designed to quantify the impacts. We did not find any material within the DEIS that addresses the turkey vulture migration known to occur in the area (NDOW, pers. com.). These birds follow a corridor connecting the El Dorado Mountains through the Iretaba Peaks and Fourth of July Mountain to the Newberry Mountains.

Retention of Bajadas and Washes – These landscape features are important to desert wildlife. Created and constantly modified by the flow of water, either over long periods or abruptly during storm events, alluvial bajadas and smaller washes are important to phreatophytes, long-rooted vegetation that often supports a broader diversity of wildlife. The Applicant will undertake measures that minimize disturbances of these features during the construction phase.

The NWP will take this opportunity to caution against allowing this area to become ground zero for further wind development and other energy development. Already within the adjacent El Dorado Valley is the Copper Mountain Solar Facility, a photovoltaic power plant that has converted 450 acres of prime Mojave creosote brush land to produce 48 megawatts (MW) of electricity. Plans call for the facility to increase in size to create an additional 92 MW by January 2013 and another 58 MW by 2015. This is a significant commitment of renewable energy production. It comes at a price and that price is the unique habitat of the Mohave Desert. The Piute-El Dorado Area of Critical Environmental Concern (ACEC) was designated with the intent to protect these natural elements. It is essentially the stronghold for desert tortoise and Gila monster in southern Clark County. We agree with the BLM's designation of this area and stand firmly against any further development within the valley even as other portions of Nevada's Mojave Desert are usurped for man's purposes.

The NWP joins other conservation organizations in encouraging the Secretaries of Interior and Agriculture, in cooperation with the Secretary of Energy, to consider a comprehensive system of guidelines for post-event monitoring of wildlife impacts caused by project construction and operation. Fees collected by development companies and corporations should be consolidated into a fund, augmented with federal budget authority to provide support for the accrual of scientific data necessary to accurately investigate and portray the effects of projects upon the habitat they modify or usurp. Findings from this effort can provide the analytical tools valued in the decision-making process and may in fact help to streamline the NEPA process in granting ROW applications. This serves the mutual desires of the conservation and development communities.

Thank you again for the opportunity to comment on this DEIS and we look forward to following the further NEPA steps for this and other renewable energy projects in Nevada. If you have any questions please feel free to contact me or our Renewable Energy Coordinator Craig Mortimore.

Sincerely,

PREPARED FOR ELECTRONIC SUBMISSION – SIGNED HARD COPY FORTHCOMING

Jeneane Harter, Executive Director

The Nevada Wilderness Project

JH/em

Avian surveys quantified turkey vulture observations stating, "turkey vulture had the highest mean use among raptors (0.12 birds/20 min) and was the most commonly observed raptor species." NDOW reviewed the Administrative Draft EIS and the DEIS and has not provided any information on such a migratory corridor.

Comment noted.

Comment noted.



April 18, 2012

Subject: Comments on Searchlight Wind

BLM Las Vegas Field Office,

Attn: Gregory Helseth

4701 North Torrey Pines Drive

Las Vegas, NV 89130-2301

Submitted via E-mail: BLM_NV_SNDO_SearchlightWindEnergyEIS@blm.gov

Subject: Comments on the Draft Environmental Impact Statement (“DEIS”) for the Searchlight Wind Energy Project (the “Project”)

Dear Mr. Helseth

Please accept these comments, submitted on behalf of the Sierra Club on the Draft Environmental Impact Statement (“DEIS”) for the Searchlight Wind Energy Project.

The Sierra Club is a national nonprofit organization of approximately 1.3 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth’s ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Sierra Club’s concerns encompass protecting our public lands, wildlife, air and water while at the same time rapidly increasing our use of renewable energy to reduce global warming.

We submit these comments on behalf of our members, activists, staff, and members of the general public who are interested in protecting native species and their habitats as well as supporting the development of clean, renewable sources of electrical energy.

The development of renewable energy is a critical component of efforts to reduce pollution and climate-warming gases, avoid the worst consequences of global warming, and to assist in meeting needed emission reductions. We strongly support the development of renewable energy. However, like any project, proposed renewable energy projects should be thoughtfully planned to minimize impacts to the environment, and in particular to avoid impacts to sensitive species and habitat.

1. **The DEIS does not adequately analyze impacts to wildlife and habitat.**

I. Desert Tortoise.

The DEIS discloses that during surveys conducted on the project site, 122 tortoises were located on the project site within the narrow survey belts, indicating a population of 8.2 tortoises per square kilometer. This is a very high density considering the average density of tortoises found by the U.S. Fish and Wildlife Service in its 2010 population monitoring for the Piute-Eldorado Area of Critical Environmental Concern, which encircles the project site was 3.2 tortoises per kilometer.¹ The entire East Mojave Recovery Unit had only an average density of 3.6 tortoises per kilometer.² While technically the project area lies in “donut-hole” of undesignated tortoise habitat, it provides excellent tortoise habitat and is none-the-less critically important for the effort of recovering the Eastern Mojave population. In addition, the proposed project would fragment tortoise habitat and serve as a barrier to migration and gene-flow between the Eastern and Northeastern Mojave Recovery Units. The DEIS is inadequate in that the public literally has no information on which to base comments regarding the specific impacts of this specific project on the tortoise or how BLM proposes to avoid or mitigate those impacts. The BLM should prepare a supplemental EIS to fill in the informational gaps for reviewers.

We are concerned regarding plans to relocate or translocate desert tortoises from the site. No information is provided about possible recipient sites, their location, ability to absorb more animals and the permanency of the protection. To date, translocation of desert tortoise always results in “take” of tortoises and certainly does not aid in the recovery of the threatened species. Even “successful” translocation has been documented to have a 15-21% mortality³. Significant losses of tortoises

BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion). Appendix B-2: USFWS Biological Opinion contains the required desert tortoise mitigation measures and a discussion of how such mitigation would be effective.

The DEIS included the mitigation measures that the BLM proposed in the Biological Assessment and submitted to the USFWS. BLM has completed consultation with the USFWS pursuant to Section 7 of the Endangered Species Act (For details refer to Section 5.2.2-U.S. Fish and Wildlife Service Section 7 Consultation and Appendix B-2: USFWS Biological Opinion). Mitigation measures proposed in the DEIS and in Appendix B-2: USFWS Biological Opinion do not include translocation of tortoise, rather it was proposed that tortoises would be moved out of harm’s way during construction activities.

¹ U.S. Fish and Wildlife Service. 2010. Range-wide Monitoring of the Mojave Population of the Desert Tortoise – 2010 Annual Report. Table 6. Available at: http://www.fws.gov/nevada/desert_tortoise/documents/reports/2010/2010_DRAFT_Rangewide_Desert_Tortoise_Population_Monitoring.pdf.

² Ibid.

³ Field, K.J., C. R. Tracy, P.A. Medica, R.W. Marlow, P.S. Corn 2007. Return to the Wild: Translocation as a Tool in Conservation of the Desert Tortoise (*Gopherus agassizi*). Biological Conservation 136: 232-245; and,

through a recent translocation effort in 2008 - the Fort Irwin translocation - resulted in over 20% mortality within the first year. Further monitoring has documented as of August 2009, over 250 desert tortoise (38%) have died in the translocation areas of Fort Irwin⁴. This translocation has resulted in further declines in the west Mojave recovery unit to the detriment of recovery of the species as a whole. The Scientific Advisory Committee of the U.S. Fish and Wildlife Service's Desert Tortoise Recovery Office has recently concluded that "translocation is fraught with long-term uncertainties, notwithstanding recent research showing short-term successes, and should not be considered lightly as a management option. When considered, translocation should be part of a strategic population augmentation program, targeted toward depleted populations in areas containing "good" habitat". If translocation must occur, the translocation plan needs to be thoroughly developed and vetted by knowledgeable tortoise science and management experts and provided for public review. Any plan must thoroughly address a number of essential desert tortoise issues including, but not limited to: the threats of disease, the capacity of the translocation site to support greater tortoise densities over the long-term, and sufficient monitoring of host tortoises with adaptive management measures triggered by the effects of translocation. Translocation of desert tortoise should be done in spring when possible.

II. Avian species.

The DEIS notes that golden eagles are potentially nesting in the nearby mountain regions encircling the project and through surveys identified at least three eagle nests within 4-miles of the project. We have concerns regarding both mortality to golden eagles from collisions with wind turbines, which have been well-documented at other wind energy sites. The DEIS makes no attempt to quantify the likely mortality, or describe how this mortality should be minimized or avoided.

We have additional concerns regarding loss of foraging habitat. The DEIS fails to present exactly how it will mitigate the loss of a substantial amount of foraging habitat for the golden eagle, either as a result of this project, or cumulatively as a result of projects within the Piute-Eldorado Valleys. The DEIS also fails to disclose the number of pairs of golden eagles that could be affected by the proposed project. Regardless of distance, a straight line view of disturbance affects raptors, and an effective approach to mitigate impacts of disturbance for golden eagles involves calculation of view sheds using a three-dimensional GIS tool and development of buffers based on the modeling⁵. Also,

Nussear, K.E. 2004. Mechanistic investigation of the distributional limits of the desert tortoise *Gopherus agassizii*. PhD dissertation. University of Nevada, Reno. Pgs. 213.

⁴ USFWS. 2009. Draft Biological Opinion for the Proposed Addition of Maneuver Training Lands at Fort Irwin, California (8-8-09-F-43R). Page 48.

⁵ Camp, R.J., D.T. Sinton and R.L. Knight 1997. Viewsheds: a Complementary Management Approach to Buffer Zones. Wildlife Society Bulletin 25(3): 612-615; and Richardson and Miller. 1997.

Richardson and Miller 1997

Refer to Section -4.4.5.11 Migratory Birds - Direct and Indirect Effects by Alternative for a discussion on the impacts to Eagles. Additionally, refer to Appendix B-4: Bird and Bat Conservation Strategy, which has been added to the EIS and includes a section on impacts to eagles.

As discussed in the DEIS, the Proposed Project would result in the loss of some foraging habitat for the golden eagle; however, the proportion of foraging habitat that would be lost due to the Proposed Project is small compared to the total amount of available foraging habitat within the Piute and Eldorado Valleys.

since golden eagles use only a small subset of their home territories during nesting for foraging, these essential areas may include the proposed project site, however the DEIS does not analyze this important factor of nesting success.

While bald eagles are unlikely to utilize the project area for long-term habitat, they utilize nearby Lakes Mead and Mojave during the winter. Nowhere does the BLM examine the likely or possible impacts on migrating or over-wintering bald eagles in this DEIS.

Because environmental review does not adequately identify or analyze impacts to eagles from the proposed project it is impossible for the BLM to ensure that the project is consistent with the Migratory Bird Treaty Act (16 U.S.C. § 701 *et seq.*) or the Bald and Golden Eagle Protection Act (16 U.S.C. § 668 *et seq.*), both of which prohibit take. To address this data and analysis disclosure deficiency, the BLM must prepare a supplemental EIS containing said analysis. Further, the BLM should require that the proponent pursue an incidental take permit under the BGEPA as part of the terms and conditions of receiving a ROW Permit.

The DEIS fails to adequately evaluate impacts to migratory birds, although the area sits within the Pacific Flyway, an important migratory route. Due to the magnitude of potential impacts on avian populations, additional avian studies are needed to identify more specifically migratory flyways for seasonal migrants that use the project area and could come into contact with the turbines.

The Avian and Bat Protection Plan should include requirements for shutting down turbines triggered by incidences of avian mortality and periods of high migration. This document should be included in the supplemental DEIS so that the public has an opportunity to provide comments.

III. Bighorn Sheep

The DEIS does not adequately address impacts to desert bighorn sheep. Bighorn sheep need large expanses of land to roam for seasonal migrations to and from important winter range. Impediments to movement of these animals will likely have negative impacts on big game populations that travel through the project area to reach other necessary areas of habitat. Additionally, it is well-documented that human disturbance in bighorn sheep habitat disrupts bighorn sheep and contributes to population decline. The DEIS does not adequately discuss impacts to bighorn sheep, stating that “project effects are anticipated to be minimal” because “the project would only occupy a small portion of the available migratory corridor between these mountain ranges leaving some connectivity.” Nowhere does BLM provide information regarding its conclusions that the occupied portion of the corridor is “small,” nor what “some connectivity” means. A supplemental DEIS should re-evaluate the impacts to habitat and the possible impacts to migration or movement corridors for this species, as well as the impacts of human disruption, and the Terrestrial Management Plan should address these issues.

IV. Bats

Refer to Section -4.4.5.11 Migratory Birds - Direct and Indirect Effects by Alternative for a discussion on the impacts to Eagles. Additionally, refer to Appendix B-4: Bird and Bat Conservation Strategy, which has been added to the EIS and includes a section on impacts to eagles.

Comment noted. Appendix B-3: Terrestrial Wildlife Plan has been added to the EIS and includes a risk assessment and mitigation measures for bighorn sheep.

The DEIS did not adequately analyze potential impacts to bats from the Project. The DEIS provides only a general statement that the number of bats that could be injured or killed cannot be estimated, and that these impacts will be addressed through a not-yet-developed Avian and Bat Protection Plan. Bats are prone to many of the same threats as avian species and there are significant concerns regarding the impacts on wind development on bat populations, through barotrauma, lowered reproduction rates and collisions with wind turbines. The wind turbines proposed for the generation sites present an unusually high risk for bat mortality due to their height. We request that bat studies and surveys be completed, and these studies, along with a complete ABPP which includes operational stipulations such as shutting down wind turbines in response to incidents of bat mortality and during times of the year and on nights when conditions are most conducive to bat mortality, be included in a supplemental DEIS.

2. The DEIS contains inadequate mitigation measures.

The discussion of mitigation measures throughout the DEIS is inadequate as none of the proposed mitigation plans have been completed. The Emergency Response Plan, Waste Management Plan, Weed Control Plan, Facility Decommissioning Plan, Wildlife Mitigation and Monitoring Plan, Avian and Bat Protection Plan, Terrestrial Wildlife Plan for Bighorn sheep, Traffic Management Plan, Hazardous Materials Handling Management Program, Cactus and Yucca Salvage Plan, Stormwater Pollution Prevention Plan, and the Spill Prevention, Control, and Countermeasures Plan should be completed, and released for public review, as part of a supplemental EIS to allow the public to participate meaningfully in the decision making process—not deferred until after project approval. The discussion of mitigation in the section on wildlife describes a future “Wildlife Mitigation and Monitoring Plan” and a “Terrestrial Wildlife Plan.” DEIS at 2-44 to 2-45; 4-33; 4-37. However, this discussion includes only a wish-list of possible measures which “may” be included in a final plan and does not describe what mechanisms would be used or what the practical consequences would be for preventing or minimizing damage to wildlife and habitat. There is no explanation how or whether these “Plans” to be developed at some future point actually would be effective in mitigating adverse environmental effects. The entire suite of mitigation described at 2-43 to 2-45 related to wildlife requires additional description and scientific citation and justification. Any plans to “mitigate” the acknowledge adverse effects on wildlife must be fully outlined with dates, actions, and rationale that can justify the actions. There should be a full description of where off-site mitigation will occur and a full description of on-site mitigation measures that will be adopted for the project site. We request that BLM prepare a supplemental DEIS once the plans are completed to satisfy NEPA by allowing the public a chance to review and provide comments.

We appreciate the opportunity to provide comments on this renewable energy project and look forward to continuing in the successful development of the Project as an interested stakeholders.

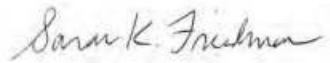
Sincerely Yours,

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy).

Some plans such as the Traffic Management Plan or SWPPP need to be developed during the engineering phase of the project and may need approvals from other agencies; however, all basic elements of these plans are included in the EIS.

Plans that have been completed to date are included in this EIS including Appendix B-1: Weed Management Plan, Appendix B-2: USFWS Biological Opinion, Appendix B-3: Terrestrial Wildlife Plan, and Appendix B-4: Bird and Bat Conservation Strategy. Other plans would be included as a stipulation of the ROW grant. The Facility Decommissioning Plan, which will be developed 6 months prior to project closure.

Comment noted.

A handwritten signature in cursive script, reading "Sarah K. Friedman".

Sarah K. Friedman
Senior Campaign Representative
Beyond Coal Campaign
Sierra Club

Mr. Greg Helseth
Southern Nevada District
Bureau of Land Management
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

April 18, 2012

RE: Searchlight Wind Energy Project (NVN-084626 and NVN-086777)

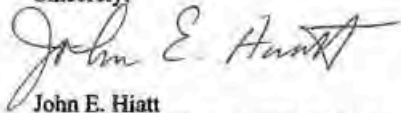
Dear Mr. Helseth,

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement for the Searchlight Wind Energy Project. While generally supportive of renewable energy projects we do have some concerns with this project and specifically with the draft EIS.

The area where the project is located, in the high elevation areas to the west of Lake Mohave, is relatively well vegetated and appears to be an active migratory route for many species of birds, including raptors. The past several years have been rather dry in Southern Nevada and hence surveys for birds during the last two or three years, especially for raptors may not be indicative of the number of birds expected to use this area during normal or wet years. This is particularly true of Golden Eagles, which are highly mobile and move over wide areas depending on food supply, primarily rabbits. In our opinion there is not enough information presented in this DEIS to allow an informed decision to be made with regard to the impact of this project on either avian or bat species. The statement on p 4-36 that an avian and bat protection plan will be developed is not reassuring. The decision on whether to proceed with this project will be based on this DEIS, hence firm mitigation measures either need to be included in this document or there needs to be a further public process to develop the avian and bat protection plan. The DEIS is asking the public to just trust that appropriate actions will be taken to minimize impacts to birds and bats. Based on past experience with other wind energy projects in this country there is much reason to trust the wind energy industry to be serious about developing and implementing measures to protect birds and bats from the danger of rotating turbine blades.

We think it only appropriate that a further public process be undertaken to monitor, evaluate and develop a protection and mitigation plan for birds and bats that will be impacted by this project, should it be built.

Sincerely,



John E. Hiatt
Conservation Chair, Red Rock Audubon Society
8180 Placid Street
Las Vegas, NV 89123
702-361-1171

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) has been developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy).

RECEIVED BLM
SOUTHERN NEVADA
DISTRICT OFFICE
APR 19 PM 12:00

Private Citizen/Individuals Written Comments

-----Original Message-----

From: Al Burt [mailto:dcamladca@yahoo.com]
Sent: Monday, January 23, 2012 10:48 AM
To: BLM_NV_SNDQ_SearchlightWindEnergyEIS
Subject: Windmill Farms

Please consider the following list of public complaints about existing windmill farms - listed in order of number of complaints - before destroying the rural atmosphere of the Searchlight area. Don't forget the negative effect windmill farms will have on lake Mojave.

PUBLIC OBJECTIONS TO WINDMILL FARMS: Cited from some 100 published news articles dated from July 2008 to January 2010 and arranged in order of frequency by William Burt dcamladca@yahoo.com

Scenery Destruction: Windmill farms perched on mountain ridges, visible from up to 47 miles, "Obscure, Distort, and Detract From the Dignity of the Scenery" (quoting Frederick Law Olmsted) for an area of some 7074 square miles.

Health Hazard: Helicopter like thump-swish noise heard for miles around in a quiet rural setting causes migraine headaches, sleep deprivation, heart disease, and depression. Shadow flicker causes vertigo, panic attacks, and other wind turbine syndrome (WTS) effects.

Bird Hazard: Collisions with turbines kills birds and bats.

Property Value Decline: Caused by anticipated loss of quality of life.

Safety Hazard: Turbine fragments and Ice can fly off windmills in a strong wind.

Spiritual Grounds Violated: Would you want a 450 ft. high windmill attached to your church steeple?

Quality of Life Destroyed: Windmill farms have the same bad effect on a local area as any industrial encroachment.

Radar Interference: Air traffic control, air defense, and weather radars disrupted by windmill reflections.

Unreliable Energy Source: Backup energy source (coal, nat gas, or nuc) needed for windless times.

While anecdotal suggestions of health effects from wind turbine sound can be found online, No evidence exists regarding direct negative health effects associated with wind turbine sound in any peer reviewed, scientific papers or studies.

Impacts to birds and bats are disclosed in Section 4.4.5.11-Migratory Birds - Direct and Indirect Effects by Alternative and 4.4.5.8-Bats - Direct and Indirect Effects by Alternative, respectively. Impacts to Birds and Bats will be minimized by MM-BIO-5 Bird and Bat Conservation Strategy. Additionally, refer to Appendix B-4: Bird and Bat Conservation Strategy (formerly known as the Avian and Bat Protection Plan [ABPP], which has been added to the EIS.

The manufacturer has established recommended setback for safety that was an important contributing element into the design of the project layout. While ice formation on turbine blades is unlikely in this portion of southern Nevada, the safety setbacks provide protection against potential ice throw.

The document includes MM SAFE-5: Aeronautical Considerations. This mitigation measure requires the Applicant obtain FAA approval before construction is to begin.

Comment noted.

Tourism Adversely Affected: Would you visit Philadelphia to see its bus station?

Financial: Locals suffer increased cost of electricity and taxes in some cases.

Mercenary Priorities: Manufacturer's and installer's profits are often emphasized over environmental considerations.

Roads: Construction of required new roads and wear and tear of existing roads disrupts local traffic and causes pollution.

Phone Line Interference: Electromagnetic field emissions from new high power lines can cause static.

Wasted Power: Lack of adequate grid capacity can prevent the exporting of any surplus power.

Farm Land Disruption: Windmill farms and new transmission wires can fracture otherwise contiguous farm land.

National Grid System Upset: Existing grid not designed for sporadic windmill farm power inputs.

Motorist Distraction: Initial exposure to huge windmill farm sightings threatens driving concentration.

Lack of Local Citizen Input: Projects often started without adequate local hearings or comment periods.

Better Options: A single two reactor nuclear power plant, emitting harmless steam into the atmosphere, provides the same power as a 388 mile long windmill farm. Reducing energy waste by 3% per year by pricing in higher energy taxes would eliminate the need for increased energy supply for at least ten years.

Irreversibility: Tower removal and tree replacement not likely even if a better source of power is found later.

Air Flow Disruption: Rotating blades slow natural air flow and induce turbulence affecting downstream winds.

Construction Runoff: Tree removal along with 100 foot wide road construction pollutes local streams.

William Burt

Section 4.12-Socioeconomic Impacts, has been updated with a discussion regarding recreation and tourism.

Refer to Fiscal Impacts in Section 4.12-Socioeconomic Impacts.

Comment noted.

Refer to MM-TRAN-1, which states that a Traffic Management Plan would be prepared to address effects on local traffic.

Section 4.7-Transportation Impacts discloses that streets could receive wear from equipment and deliveries. Refer to MM TRAN-2: Repair Damaged Streets for a description of the mitigation for damaged streets.

No farmlands exist in the proposed project area.

Comments noted.

Refer to EIS Appendix A: Public Involvement for discussion of scoping, public materials, and the DEIS public comment period, and response to public comments for the proposed project.

The BLM will not typically analyze an alternative for a different technology when a right-of-way application is submitted for a specific technology (e.g., evaluate a photovoltaic alternative for a concentrated solar power application) because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology.

The proposed WTG locations were determined based on a number of factors, including vegetation density and type. As stated in Section 3.3.2.1-Watershed Boundaries and Water Quality, "Applicant would need to see that construction and use of access roads for the Proposed Project do not negatively affect water quantity and quality. These measures could be achieved by implementing a Clark County-approved stormwater protection plan during construction, O&M, and decommissioning of the Proposed Project." The SWPPP, which must identify BMPs and monitoring procedures that are suitable to site-specific conditions, is subject to review and approval by Clark County DAQ.



SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Meeting Comment Form

Bureau of Land Management, Las Vegas Field Office, NV

The Bureau of Land Management (BLM) is holding public meetings to encourage public comments on the Draft Environmental Impact Statement for the proposed Searchlight Wind Energy Project. Comments received during the Draft Environmental Impact Statement (EIS) comment period will be addressed in the Final EIS. Written comments on the Draft EIS must be received via email or postmarked no later than April 18, 2012. For further information, please contact Gregory Helseth at (702) 515-5173 or send an email to: blm_nv_snd@searchlightwindenergyEIS@blm.gov.

Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: _____

Your Name: Jack & Carol Newell Name: _____

Address: P.O. Box 151 Address: _____

City/State/Zip: Searchlight NV 89041 City/State/Zip: _____

Please check all that apply:

☒ Add my name to the mailing list for this project

☐ Do not include my name on the mailing list

☐ Withhold my name/address to the extent allowed by law (only for persons not representing an organization)*

* All comments received by the BLM become a part of the public record associated with this proposed project. Accordingly, your comments (including name and address) will be available for review by any person that wishes to review the record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law.

Comment:

My wife & I have live in Searchlight for about 35 years
as most people here are retired & elderly - No one I know
would have here a lot these dam wind mills here except
Harry Reid really because he will make more money -
He has never gonna anything for any one unless
there money in it for Harry Reid - They will do
nothing to help Navaho or Searchlight except just
money this country does not have a make eye sore
& make noise to drive you nuts - Keep the dam things
out of Nevada unless you can put them all on
Harry Reid property

Jack Newell

Comment noted.

From: Diane Kendall [mailto:diakendall@gmail.com]
Sent: Saturday, February 25, 2012 12:12 PM
To: BLM_NV_SNDO_SearchlightWindEnergyEIS
Subject: Searchlight Wind Energy

Good Afternoon:

I would like to make sure that you receive list from the county commissioners of people who are in favor of the wind energy project.

There was a county commissioners meeting in August, 2010. If you are unable to obtain this list please let me know and I will go directly to Commission Steve Sisolak's office and obtain this list for you.

I believe that this a terrific project, which will enhance our community. I believe that this can be used as a educational devise for students, local property owners and tourists.

The county recently built a walking trail behind the community center with a gazebo facing Spirit Mountain. There are numerous signs around the walking trail educating the public about the area. Since we will be able to see a few of the wind generators from this

location, we could add additional educational signs about the project. Not only can this project educate the public but it will also bring much needed jobs to the American people.

I understand that it is hard for people to accept change, but it is time for change and new technology for power. This project could actually place Searchlight, Nevada on the map as being a forerunner of green energy.

Sincerely,

Diane Kendall
Cell: 702-279-9928
Home: 702-297-1750

Comments noted.

SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

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Bureau of Land Management, Las Vegas Field Office, NV

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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: Searchlight Comm. Center
Your Name: GARY KAMERS Name: _____
Address: 500 State Highway 164 Address: _____
City/State/Zip: Searchlight, NV 89046 City/State/Zip: _____

Please check all that apply:

- ☐ Add my name to the mailing list for this project
☒ Do not include my name on the mailing list
☐ Withhold my name/address to the extent allowed by law (only for persons not representing an organization)*

* All comments received by the BLM become a part of the public record associated with this proposed project. Accordingly, your comments (including name and address) will be available for review by any person that wishes to review the record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law.

Comment:

- (1) I support the Searchlight Wind Project
- (2) I own two pieces of property in Searchlight, one is on Cottonwood Cove Rd.
- (3) I was present at the BLM EIS meeting & listened to complaints about the aesthetics of this project to which they objected. I do not agree with these complaints on grounds that change occurs as a natural outcome of modernity and the need for renewable energy sources such as wind & solar.
- (4) I also support this project because I trust the developers & BLM will respect the environment & ensure a safer project.
- (5) Furthermore, it seems certain that economic benefits will accrue to Searchlight as a whole & far exceed any detrimental effects that could take place as a result of the project.

Comments noted.



SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: _____
Your Name: CARL & JANE OVERY Name: _____
Address: P.O. Box 296 Address: _____
City/State/Zip: SEARCHLIGHT, NV 89046 City/State/Zip: _____

Please check all that apply:

- ☐ Add my name to the mailing list for this project *my name is on the mailing list*
☐ Do not include my name on the mailing list
☐ Withhold my name/address to the extent allowed by law (only for persons not representing an organization)*

* All comments received by the BLM become a part of the public record associated with this proposed project. Accordingly, your comments (including name and address) will be available for review by any person that wishes to review the record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law.

Comment:

3-17-2012

Comments:

My main concern, reference the wind-energy project for Searchlight, is reference the BLM Cultural Resource Report. As a historian, I would feel much better if you could assure, not only the citizens of Searchlight but the entire state, that every and all existing examinations for all possible prehistoric and historic archaeological sites have been completed and recorded. If additional, unknown or unrecorded cultural sites are located in the APE additional study should be conducted.

Your report shows that 35 previously recorded cultural resources have been identified within a 2-mile radius surrounding the SWEP area, 7 sites, (five historic and two pre-historic) which are within or near APE.

Because it is impossible to have every step of the APE examined for cultural areas, it is my hope the BLM has put into place plans to investigate and complete additional smaller archeological block surveys at each and every tower site location and on and around any and all access points where land will be disturbed for the planned project as it was for the recently completed meteorological tower placement and the Lake Mead NRA fee station development.

I see by the report five sites, located within the proposed road routes have been determined to NRHP eligible, and as a citizen I am happy these sites have been located and reported, but still feel more sites are still out there. *Sincerely: Jane B. Overy*

Section 3.5-Cultural Resources of the EIS was modified to describe survey procedures in greater detail. An archaeological records search of a two-mile radius of the Searchlight Wind Energy Project was conducted prior to the archaeological inventory. All previously recorded sites were relocated and an intensive pedestrian survey of the area slated for ground disturbance was undertaken with an additional 200-foot buffer. It is standard procedure that if unanticipated cultural resources are encountered additional work would be conducted to mitigate impacts. Four of the 65 sites recorded in the project area have been determined eligible for listing on the National Register of Historic Places and mitigation measures have been determined to lessen the direct or indirect effects from the Project.



SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Meeting Comment Form

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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: _____
Your Name: RUSSELL COON Name: _____
Address: Box 902 Address: _____
City/State/Zip: SEARCHLIGHT NV 89046 City/State/Zip: _____

Please check all that apply:

- ☒ Add my name to the mailing list for this project
☐ Do not include my name on the mailing list
☐ Withhold my name/address to the extent allowed by law (only for persons not representing an organization)*

* All comments received by the BLM become a part of the public record associated with this proposed project. Accordingly, your comments (including name and address) will be available for review by any person that wishes to review the record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law.

Comment:

AS A RESIDENT OF SEARCHLIGHT I AM OPPOSED TO THE WIND
ENERGY FARM FOR SEARCHLIGHT AND SURROUNDING AREA.
THE INSTALLATION OF 87 COMMERCIAL WIND TURBINES WOULD HAVE A
VERY HARMFUL EFFECT ON THE FLORA & FAUNA THAT CAN NEVER BE REPAIRED.
THE DESERT CAN NEVER BE PUT BACK IN ANY WAY NEAR ORIGINAL CONDITION.
THE EFFECT THESE TURBINES HAS ON PEOPLE HAS YET TO BE DETERMINED.
THE MAGNETIC FIELD, THE NOISE, THE FLASHING, BUT IT IS ALL HARMFUL.
THE COST OF CONSTRUCTION IN THIS AREA WOULD BE VERY HIGH.
COMPARED TO INSTALLATION ON SALT FLAT LAND, LIKE THE EL DORADO VALLEY,
WHERE THERE ARE, SUB-STATIONS, TRANSMISSION LINES, VERY LITTLE
VEGETATION OF ANY SORT, NO YOSHUA TREES, CACTI ETC. PLUS NO
HOUSING NEAR BY.

Thank You

Russell Coon

702-379-7288

Comment noted. Impacts to biological resources and mitigation measures are discussed throughout Chapter 4.4-Biological Resources Impacts. APM-10 Site Rehabilitation and Facility Decommissioning Plan would provide for measure to reclaim the area after decommissioning.

2012 MAR 2 AM 10:48

Place
Stamp
Here

Bureau of Land Management
Las Vegas Field Office
ATTN: Gregory Helseth
Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

Please deposit your comment form into one of the boxes provided at the meeting or
fold, tape top of form, and mail your comments to the address below:

REFER TO PICTURES OF BEFORE AND AFTER
WING CR4. ARE UP.
THEY WOULD BE A BLIGHT ON THE DESERT

Paul Cox







March 23, 2012

Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-22301

Re: Duke Energy's Industrial Wind Project at Searchlight (Draft Environmental Impact Statement)

We feel that the proposed project would forever destroy the sensitive pristine and fragile desert landscape of the Mohave Desert/Searchlight/Eldorado Canyon area. This power generation project would cause extreme damage to the eco system and endangered species. It would also have a devastating devaluation effect on private property. We also feel this project would be at the expense of tourism and quality of life for the historic and thriving town and desert community of Searchlight, and would reduce the community and the route to Cottonwood Cove to nothing more than an unsightly Industrial Complex, (converting public lands to a private heavy industrial zone.) We feel that the BLM, (the stewards of our public lands, who are entrusted to preserve and protect) in good conscience, should not support or promote or agree to this project.

If this is such a good idea – let the investors and developers purchase the land and build the project with their dollars – not government grants/subsidies/guarantees/ taxpayer dollars and incentives. Please understand, we are not opposed to the development of power alternatives, but there certainly must be less sensitive and visible options available.

We are also enclosing a page from the March 2012 Sunset Magazine that spotlights the Mohave Desert as "1 of the most endangered lands in the west, due to large scale power projects that are displacing the rare desert wildlife. *Nature.org*"

For the above reasons, we believe the responsible decision on this project should be "No Project".

Thank you *very much* for considering our concerns.

Pat Ehli
Kim Ehli
HC 62, Box 353
Nelson, NV 89046

RECEIVED
Bureau of Land Management
07:30
APR 03 2012
LAS VEGAS
FIELD OFFICE
Las Vegas, Nevada

Impacts to biological resources and mitigation measures are discussed throughout Chapter 4.4-Biological Resources Impacts. APM-10 Site Rehabilitation and Facility Decommissioning Plan would provide for measure to reclaim the area after decommissioning.

To: BLM – Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-22301

Ironical Observation:

The Las Vegas Field Office of the BLM has recently been involved in RESOURCE MANAGEMENT PLAN REVISIONS (RMP's) and ENVIRONMENTAL IMPACT STATEMENTS (EIS) reviewing and reassessing existing (with possible closures) access roads, trails, allowable recreational uses / restrictions and activities in the BLM managed area of Eldorado Canyon/Searchlight/Mohave Desert. This review and the many dollars spent, including public input meetings (that seemed no more than a process) was to better protect (from the public) the sensitive and fragile areas of the desert.

Now, Ironically:

This same agency is actively pursuing and considering approval of an Industrial Wind Energy Project that would cover the same sensitive and fragile desert with hundreds of acres of concrete – not to mention huge, 400 foot noise making turbines and miles of excavated road systems for its construction and maintenance, damaging the desert in untold irreparable ways.

Go figure...

Pat Ehli
Kim Ehli
HC 62, Box 353
Nelson, NV 89046

The BLM manages its lands for a variety of uses. These may include: protecting wildlife and plants, enabling recreational opportunities, allowing mining, and alternative energy development. The needs of some users may be in conflict with those of others.

The Las Vegas RMP, approved October 5 1998 is the governing document for this project, along with any other approved planning or programmatic document covering this field office or project type. The revised (Las Vegas) RMP Record of Decision is not anticipated until the summer of 2014.

BEST EDUCATION PROGRAM

WHAT DIDN'T HAPPEN

HERE Kids whose only exposure to nature is a glimpse of a tree in a video game.

WHY IT'S A WINNER

The **Wildlands Conservancy** uses its Southern California nature preserves to introduce the outdoors to the Justin Bieber generation—25,000 kids annually, many of whom come from families at or below poverty level.

Its size and emphasis on bringing nature to kids who otherwise wouldn't experience it make the **Wildlands Conservancy** one of the most ambitious environmental-ed programs anywhere. And the kids' reviews would do Yelp proud: "I learned many new things. First, we all went to pick one pretty rock that shines in the sun and we got to see animals. Thank you for everything."

TAKE A LOOK You don't have to be a kid to enjoy Wildlands' preserves. One good one? Wind Wolves Preserve, in Kern County, 95,000 acres where the San Joaquin Valley meets the Transverse Ranges. Sat-Sun; free; wildlandsconservancy.org

Frames help visitors focus on the beauty at Wind Wolves Preserve, near Bakersfield, CA.



3 most endangered lands in the West

Save them now or they are gone forever

MOJAVE DESERT, CA Two goods collide: Will large-scale solar power projects displace the rare desert wildlife? nature.org

NORTH SHORE, OAHU, HI At the end of 2011, 27 percent of the North Shore—much of it agricultural lands perched above the Pacific—was up for sale. Will these be developed or stay green? tpl.org/sunset

TELLURIDE AND CRESTED BUTTE, CO Second-home growth and rural sprawl threaten to spoil these mountain towns' rugged backdrop. tpl.org/sunset

WHAT DIDN'T HAPPEN **HERE** A shoreline jammed with houses, restaurants, and pubs. And motorboats.

WHY IT'S A WINNER

Independence Lake, a half-hour north of Tahoe in the High Sierra, was formerly owned by NV Energy and once used to produce hydropower. It has nothing on its shores except Jeffrey pines, red firs, and some picnic tables. The Nature Conservancy and the Truckee Donner Land Trust fought off a private buyer to purchase 2,325 lakeside acres for \$15 million.

TAKE A LOOK Off State 89, 50 minutes north of Truckee; follow signs to Independence Lake. nature.org

Sunset magazine March 2012
See Below

April --, 2012

BLM, Las Vegas Field Office
Attn: Greg Helseth, Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
ghelseth@blm.gov
BLM_NV_SNDQ_SearchlightWindEnergyEIS@blm.gov

Dear Mr. Helseth:

I would like to submit these comments for the Draft Environmental Impact Statement (DEIS) for the Searchlight Wind Energy Project (NVN-084626). I am opposed to the project for the following reasons:

1. The Purpose and Need Statement should incorporate a "need" to protect wildlife, visual resources, cultural resources, property values and public health.
2. The DEIS failed to consider a full range of alternatives. The National Environmental Policy Act requires the Bureau of Land Management to examine alternatives outside of the jurisdiction of the lead agency.
3. The BLM needs to consider a distributed generation alternative, a private lands alternative and an alternative that sites the project away from sensitive wildlife resources and private property.
4. The BLM needs to include an alternative that designates No Action and declares the site inappropriate for wind energy.
5. The DEIS states that the Las Vegas Resource Management Plan will not need to be amended to approve this project because the site was examined by the Wind Energy Programmatic Environmental Impact Statement in 2006, but the Wind PEIS contains very little specific information on the Searchlight Wind Project site. The Las Vegas Resource Management Plan is a very big land use plan and will need to be amended to examine the impacts of the project.
6. In some cases, the project would be located within a quarter mile of private property. The DEIS does a poor job of evaluating public health impacts such as Wind Turbine Syndrome and effects from dust stirred up during construction.
7. The project would damage the property values of local residents.
8. The project would be located in very close proximity to Lake Mead National Recreation Area and the Colorado River which has a unique and important avian fauna. It is a fly-way for migratory birds. The numbers from the Altamont Pass wind farms in California prove that wind energy injures and kills avian fauna. The nearest turbines would be just 8 miles from the Colorado River.
9. Lake Mead is an essential area for wintering bald eagles and golden eagle nests have been found within 5 miles of the project. Golden eagles are being killed by wind turbines all over North America.
10. Surveys for the project have stated that the desert tortoise population numbers are about 13 adults per square mile which is significant. The project will fragment the habitat with large wind turbine footprints and about 30 new miles of roads, many of which will be 36 feet wide. Mitigation proposals are no sufficient to prevent impacts to the species.
11. The project would block linkage and movement corridors for desert bighorn sheep.

1) The EIS's purpose and need statement complies with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instructional Memorandum 2011-059. The purpose and need statement appropriately integrates Congress's goal that the Secretary of the Interior should seek to approve renewable energy projects on the public lands; direction from Secretarial Order 3285A1 (March 11, 2009, amended February 22, 2010), which establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior; and the BLM's responsibility under FLPMA to manage the public lands for multiple use, taking into account the long-term needs of future generations for renewable and non-renewable resources.

2) The BLM developed a purpose and need statement and considered a range of reasonable alternatives consistent with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instructional Memorandum 2011-059. The two action alternatives satisfy the purpose and need because they fulfill BLM's obligation to consider the ROW applications under FLPMA and NEPA and because they are consistent with other applicable federal mandates and renewable energy policies and goals.

3) The BLM does not need to analyze in detail an alternative for distributed generation because such an alternative would not respond to the purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology.

4) Wind Energy facilities must be located where wind resources are available and cannot be limited to "brownfield" sites. The BLM will not typically analyze a non-Federal land alternative for a right-of-way application on public lands because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for renewable energy development.

5) BLM evaluated a No Action alternative throughout the document.

6) A Dust Control Permit is required from the DAQ prior to start of construction projects in Clark County. The permit will contain measures to reduce fugitive dust.

7) Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. A literature review on property value impacts has been added in Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

12. Most of the biological resource mitigation for the project is deferred and there is little information on how the applicant will mitigate impacts to bats, burrowing owls, Gila monsters, rare plants, etc.
13. The DEIS has not evaluated all of the cultural resources located on the site.
14. The project will have negative impacts on the visual resources in the area. It will be visible from Lake Mead National Recreation Area, the Mojave National Preserves and wilderness areas adjacent to the site. The project will also have red flashing aviation lights activated for the entire night. The project will be a visual disturbance to the local residents of the area which could impact the tourism economy.

In Conclusion

I would like to request that BLM adopt a No Action Alternative for this project and to designate the area inappropriate for wind energy.

Sincerely,

Heidi Spencer
5850 Tuscan Hill Court
Las Vegas, NV 89141

8) Comment noted.

9) Impacts to golden eagles are discussed in Section 4.4.5.11-Migratory Birds - Direct and Indirect Effects by Alternative and Appendix B-4: Bird and Bat Conservation Strategy, which has been added to the EIS.

10) The USFWS determines appropriate mitigation measures in the Biological Opinion, which is included as Appendix B-2: USFWS Biological Opinion.

11) Impacts to desert bighorn sheep are discussed in Section 4.4.5.14-Game - Direct and Indirect Effects by Alternative. Also refer to Appendix B-3: Terrestrial Wildlife Plan, which has been added to the EIS. The project would only occupy a small portion of the available migratory corridor between these mountain ranges leaving some connectivity between the ranges; therefore, the project effects are anticipated to be minimal.

12) A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy).

Burrowing owl mitigation is discussed under MM-BIO-6. Mitigation for Gila monsters is discussed under MM-BIO-4 and in Appendix B-3: Terrestrial Wildlife Plan. No rare plants were found in the survey area; therefore, no mitigation is required.

13) An intensive cultural resources inventory of the Area of Potential Effect (APE) (i.e. activity areas surrounded by a large buffer) was performed. No disturbance activities would occur outside of the 200-foot buffer area. Cultural resources outside of the APE would not be impacted. Any modifications or changes to the APE would trigger additional cultural resource inventories. All sites identified during the Class III inventory have been evaluated for eligibility to the National Register of Historic Places.

14) Impacts are disclosed in Section 4.0-Visual Resources Impacts.

Sincerely,

Gary Carlson

Name
Address

8326 GRESHAM DR.
LAS VEGAS, NV. 89123

Respectfully Submitted,

Donna J. Charped

Donna Charped, Executive Director
Desert Protection Society (Formerly Citizens for the Chuckwalla Valley)

Jared Fuller
Provo, UT

Sincerely,

Jared Fuller

Name
Address

2751 S. Laker Dr.
Henderson, NV 89052

From: Cheryl Cross [mailto:searchlightnuggetcasino@yahoo.com]
Sent: Wednesday, April 18, 2012 8:33 PM
To: BLM_NV_SND0_SearchlightWindEnergyEIS
Subject: Fw: Searchlight Wind Energy Project from Ms Verlie Doing

----- Forwarded Message -----

From: Cheryl Cross <searchlightnuggetcasino@yahoo.com>
To: "blm_nv_searchlightwindenergyEIS@blm.gov" <blm_nv_searchlightwindenergyEIS@blm.gov>
Sent: Wednesday, April 18, 2012 8:32 PM
Subject: Searchlight Wind Energy Project from Ms Verlie Doing

Gregory Helseth:

My husband and I came to Searchlight June 30, 1967. This has been a great place to live. We have an active relationship with Clark County, our own Town Board to work with a great Senior Center, 24 units of Senior housing, and an active functioning Non-Denominational Church. The estimated 1000 residents who live here enjoy great recreation - we are 13 miles from Cottonwood Cove on Lake Mohave - good fishing, boating, and water sports. Our children attend 5 grades at Harry Reid Elementary school, then they are bussed into Boulder City for middle and high school. This is a good place to live for all of us. We enjoy an altitude of 3500 ft. which means cooler temperature, winter and summer. The air is clean most of the time - winds produce some dust but not too bad for most people. There is no doubt that our property values will go down drastically when these are in place. We have enjoyed peace and tranquility for a long time. PLEASE SIMPLY SAY NO!! I am also sending a list of comments we have come up with and consider worth your attention - they come from our study of the Draft of the DEIS.

Mrs. Verlie G. Doing
100 N. Highway 95
Searchlight, Nv. 89046

* Add my name to the mailing list for this project

Comments noted.

Sincerely,

Name *Paul Sterh*
Address *2755 Saigon Dr.
Henderson, Nv.
89052*

Sincerely,

Name *Charmagne Poyo*
Address *250 E. Shelbourne Ave.
Las Vegas, Nv. 89123*

Sincerely,

Name *PAUL BOUTURE*
Address *220 G. SHELBOURNE AVE
LAS VEGAS NV 89123*

Sincerely,

Susan Vermillion - Muggge

Name
Address SUSAN VERMILLION - MUGGE
8766 LISA LANE
LAS VEGAS, NV. 89113

I own acreage in this area. The proposed wind farm is only 1000 feet from my property. If this wind farm with their noisy turbines is allowed to be built, you will have very effectively ruined my property for any future sale or for me to build on this property. No one will buy this land or build on it when these wind turbines are less than a 1000 feet away. If this goes through you will have made my property worthless.

Sincerely,

Steph Muggge

Name
Address STEPHEN MUGGE
8766 LISA LANE
LAS VEGAS, NV. 89113

Sincerely,

Ashley Pappas

Name
Address 70 Hermosa Palms Las Vegas, NV 89123

Comments noted. Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. A literature review on property value impacts has been added in Appendix F: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

Sincerely,

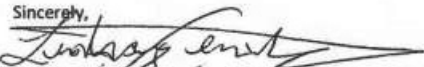


Name

Address

Matthew Norins
3800 Spencer St.
LV NV 89001

Sincerely,



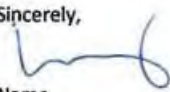
Name

Lindsay Klimitz

Address

1688 Mountain Song Ct
Henderson, NV ~~89074~~ 89074

Sincerely,

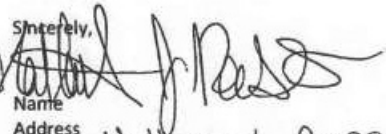


Name

Address

Paul Arraz
1564 Silver Star
LV NV 89123

Sincerely,




Name

Address

Nathaniel Ross
1688 Mountain Song Ct.
Henderson, NV 89074

I would like to request that BLM adopt a No Action Alternative for this project and to designate the area inappropriate for wind energy.

Sincerely,



Name

ARTHUR J. MCFARLAND

Address

3093 C PINEHURST DRIVE LAS VEGAS NV 89109

Sincerely,


Name Raven Esty
Address 7660 Hampton Willows Lane
Las Vegas NV 89113

Sincerely,



Name
Address
5 SARDANA
HENDERSON, NV 89041

Sincerely,



Name ELIOT ALPER
Address 2535 EXECUTIVE TERMINAL DR., STE 300
HENDERSON, NV 89052

Thomas Casey
PO Box 1303
Searchlight, NV 89046

SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Meeting Comment Form

Bureau of Land Management, Las Vegas Field Office, NV

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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: SEARCHLIGHT COMMUNITY CENTER
Your Name: JERRY CUROW Name: _____
Address: 505 COTTONWOOD COVERD Address: _____
City/State/Zip: SEARCHLIGHT NV 890460947 City/State/Zip: _____
E-MAIL: JCUROW1@YAHOO.COM

Please check all that apply:

- ☒ Add my name to the mailing list for this project
☐ Do not include my name on the mailing list
☐ Withhold my name/address to the extent allowed by law (only for persons not representing an organization)*

* All comments received by the BLM become a part of the public record associated with this proposed project. Accordingly, your comments (including name and address) will be available for review by any person that wishes to review the record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law.

Comment:

I'M WRITING YOU TO URGE YOU TO ISSUE A LAND USE PERMIT TO SEARCHLIGHT WIND ENERGY PROJECT. I FEEL CLEAN ENERGY IS THE FUTURE OF OUR COUNTRY. I LIVE HERE IN SEARCHLIGHT, AND MOST OF THE OPPOSITION FOR THIS PROJECT IS UNFOUNDED, IT'S EITHER BECAUSE OF SELFISH REASONS OR REASONS THAT ARE PERCEIVED. AS FAR AS I'M CONCERNED ALL NEW BUILDING BUILT SHOULD BE SOLARIZED OR WIND POWERED FOR THEIR ENERGY USE IF ALL PROJECTS FOR CLEAN ENERGY TAKE AS LONG FOR APPROVAL AS THIS ONE, THE UNITED STATES WILL BE DEPENDANT ON FOREIGN COUNTRIES FOR CLEAN ENERGY FOR EVER AS MUCH WIND AS THERE IN HERE AND ALONG THE RIVER THERE SHOULD BE WIND GENERATORS FOR VEGAS TO LAUGH IN PLEASE MOVE FORWARD ON THIS ISSUE NOW

SINCERELY
Jerry Curow

Comments noted.

From: Shaun Gonzales [mailto:shaun.gonzales@gmail.com]
Sent: Sunday, April 08, 2012 7:44 PM
To: BLM_NV_SNDO_SearchlightWindEnergyEIS
Subject: Comments on Searchlight Wind Energy Project

Please accept the attached comments on the Searchlight Wind Energy Project draft EIS.

Thank you for your time and consideration,
-shaun gonzales

BLM Las Vegas Field Office
Attn: Gregory Helseth
4701 North Torrey Pines Drive
Las Vegas, NV 89130-2301

Dear Mr. Gregory Helseth

Please accept the following comments in response to the draft environmental impact statement (EIS) for the Searchlight Wind Energy project. I strongly urge BLM to select the No Action alternative until Duke Energy (the project proponent) can reduce or alter the layout of the project to reduce impacts on wildlife and visual resources, particularly in the southern portion of the project.

Project Alternatives

BLM should conduct due diligence to determine whether a smaller or reconfigured project

BLM considered a reasonable range of alternatives consistent with NEPA and BLM policies and procedures. The two action alternatives satisfy the purpose and need in that they fulfill BLM's obligation to consider the ROW application, meet federal renewable energy mandates, and respond to impacts identified in the NEPA analysis. The Applicant has provided BLM with an economic determination that any project generating less than 200 MWs/and or less than 87 turbines is uneconomic due primarily to transmission line costs.

footprint is feasible for the project, since the current preferred alternative – 87 wind turbines—will have significant impacts on the desert tortoise population in the El Dorado-Piute Valley area. The EIS should also lay out in more detail the anticipated impacts on the desert tortoise population, designated relocation sites, and mitigation requirements.

The draft EIS asserts that the 87 wind turbine layout is the smallest project possible while maintaining economic feasibility, but other wind energy projects approved or under evaluation by BLM in similar terrain and using nearly identical wind turbines are significantly smaller. The statement in the EIS that transmission line upgrades are included in the project costs is also ambiguous, since most transmission line costs are passed along to the ratepayer, and not project proponents. Furthermore, a project proponents desired electricity generation capacity—200 megawatts in this case—should not limit consideration of alternatives, and previously approved renewable energy projects have been scaled down to mitigate impacts.

As a comparison indicating likely inaccuracies in the economic feasibility assessment, the proposed Granite Wind energy facility near Apple Valley, California would be built on similar, if not more difficult terrain than the Searchlight project, using similar turbines and construction techniques, and involving a new transmission line. Yet the Granite Wind project is no more than 28 turbines, nearly a third the size of the Searchlight project.

Noise

The Draft EIS should also evaluate the impacts of noise during operation of the wind facility on wildlife. Specifically, wind turbines can emit noise levels at 50dBA just 300 feet from the blades, and 40dBA up to 2,000 feet away. According to Fish and Wildlife Service research compilation, grassland and woodland species showed decline at noise levels as low as 35 dBA. ^[1] The draft EIS should evaluate the direct and indirect effects of such a decline in bird populations in the project area during operation of the project, if it is approved.

Land Disturbance

For the sake of special status plant and wildlife mitigation, the BLM should consider “temporary” disturbances as equivalent to permanent, since special status species almost certainly will not be able to return to the “temporarily” disturbed land for the life of the project. Disturbances of desert habitat are known to take decades for full native vegetation to return. Habitat mitigation requirements should be increased accordingly.

Wildlife

Draft EIS does not sufficiently evaluate effects of the project on the desert tortoise, including relocation of tortoises displaced from burrows. The draft EIS asserts that there will be no residual impacts on tortoises, which is inaccurate, since increased road traffic by project operators and recreation users is likely to expose the tortoise to increased risk.

A more detailed discussion on noise impacts to wildlife has been included in Section 4.4.4-Wildlife. Direct and indirect effects to avian species are included in Section 4.4-Biological Resources Impacts.

Comment noted.

Impacts to desert tortoise resulting from increases maintenance and OHV traffic is discussed in Section 4.4.5.2-Desert Tortoise – Direct and Indirect Impacts by Alternatives.

Despite the plans to limit vehicle speed on the new roads, many drivers are unlikely to heed the speed limits on back country roads and given the lack of law enforcement. This will pose a dramatically higher threat to the tortoise in the area.

Cumulative impact analysis should consider other projects in the Mojave Desert ecosystem that would impact special status plant and wildlife species. Although the cumulative impact analysis considers projects in the immediate vicinity, the multitude of land-intensive energy applications throughout BLM lands in California, Arizona and Nevada will challenge the survival of many species that the Department of Interior is responsible for recovering. The cumulative impacts analysis takes a look at three wind energy applications, but ignores solar projects to the west in the Ivanpah Valley, and several other solar and wind projects in the region.

The Draft EIS should also consider whether the southern portion of the project will become a population “sink” for tortoises in the El-Dorado-Piute Valley ACEC, if tortoises to the south continually fill habitat with high mortality from road traffic, increased predation, etc.

Project Benefits

In the analysis of short term and long-term productivity of the environment, the Draft EIS makes the assertion that the project would provide the benefit of reducing our dependence on fossil fuels. However, wind energy projects require natural gas peaker plants due to the intermittency of wind energy generation, and lack of productivity during peak demand. The construction of the turbines also requires carbon-emission intensive processes to manufacture steel, cement, and copper. Unless the EIS intends to thoroughly analyze the emissions created by the project and required energy peaker facilities, the statement should be removed from the EIS.

Visual Resources

The Draft EIS is misleading in the way that it characterizes visual impacts, which are not mentioned in the cumulative impacts analysis. The installation of 87 turbines and towers over 420 feet high, with a large rotor sweep will change the character of the surrounding mountains and valleys.

The definition of Visual Resources Class III is listed as follows:

Class III Objective. The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

Comment noted.

Section 4.17.5-Potential Cumulative Impacts was revised to include the Searchlight Solar Project and remove project that are no longer viable. Other projects that commenter has mentioned were outside of the area of cumulative effect as defined by resource in Chapter 3.

Comment noted.

Comment noted.

Please refer to Section 4.9-Visual Resources Impacts for discussion of the contrast rating analysis, updated visual simulations, and conformance to the Class II VRM objectives. The contrast ratings and visual simulations were reviewed and approved by BLM visual resources specialists in accordance with VRM BLM Manual Handbook H-8431-1.

Comment noted.

The Draft EIS is inaccurate in its conclusion that the proposed project would be in conformance with Class III objectives, since the height and rotor sweep of the 87 turbines would dramatically alter the viewshed, and their presence would dominate the view as a stark contrast to the natural environment, compared to the lower profile of existing structures, or even a smaller number of turbines. The impact would particularly be high for viewers along I-95 in the southern end of the project (turbines 53-87 in the 87 WTG layout), where the density of the turbines in view would override the natural characteristics of the landscape.

The southern portion of the wind project is also inconsistent with visual resource management principles considering the number of people that view this area travelling along I-95, with nearly complete view of turbines 53-87. The turbines would also be in view for miles along the interstate, and are not consistent with the line, form or color of the existing landscape. As an example of the dominating presence these turbines will impose, consider that there will be about as many man-made structures taller than 420 feet in view of travelers along I-95 near Searchlight as there are in the city of Las Vegas. This is more than "moderate" changes to the landscape scenery, and an additional argument for evaluating another alternative (reduced number of turbines or different layout).

Thank you for considering these comments.

Sincerely,
Shaun Gonzales

[1] The Effects of Noise on Wildlife, USFWS, online,
www.fws.gov/windenergy/docs/Noise.pdf



SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

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Bureau of Land Management, Las Vegas Field Office, NV

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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: _____
Your Name: Jamara Vranken Name: _____
Address: P.O. Box 97232 Address: _____
City/State/Zip: Las Vegas, NV 89193 City/State/Zip: _____

Please check all that apply:

- ☐ Add my name to the mailing list for this project
☐ Do not include my name on the mailing list
☒ Withhold my name/address to the extent allowed by law (only for persons not representing an organization)*

* All comments received by the BLM become a part of the public record associated with this proposed project. Accordingly, your comments (including name and address) will be available for review by any person that wishes to review the record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law.

Comment:

Comments noted.

To be frank, I am very upset that you would even consider such a massive DESTRUCTIVE project like this!! The infrastructure alone would destroy the many ancient Indian sights and flora and fauna that your organization, by your Mission Statement, is meant to protect and preserve! The turbines themselves would kill our precious eagles and hawks being struck by those 130 ft. blades. Bats trying to avoid those blades getting the "Bumps" as the vortex sucks the life out of them! For the community being "helped" by the project, finds an industrial wasteland of noise, blade "strobing", plummeting real estate followed by tourism to Cottonwood eliminated from Nevada history, all for "GREEN" energy to get tax credits! I would like to see a supplemental EIS!
Jamara Vranken

*to explain how to mitigate the negative
impact of this proposal.*

Please deposit your comment form into one of the boxes provided at the meeting or
Fold, tape top of form, and mail your comments to the address below:



SEARCHLIGHT WIND ENERGY PROJECT
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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: SEARCHLIGHT TOWNSHIP
Your Name: LESLIE COON Name: MALE
Address: 475 ORLANDO ST. Address: P.O. Box 1237
City/State/Zip: SEARCHLIGHT, NV 89016 City/State/Zip: _____

Please check all that apply:

- ☒ Add my name to the mailing list for this project
☐ Do not include my name on the mailing list
☐ Withhold my name/address to the extent allowed by law (only for persons not representing an organization)*

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Comment:

Searchlight residents are not opposed to renewable energy. But there should be a solar farm instead of a windmill farm. The windmills will be obsolete in a few years and will be abandoned by the installers. They are an eye sore! Our property values will be ruined! Our beautiful desert will be destroyed! I prefer the cottontails, owls, hawks, eagles and coyotes over a view of windmills. The windmills should not be this close to Searchlight. Too close to our homes, school and recreation areas. Biggest issue is the location, location, location!!! And there will be no benefits for Searchlight. We do not want the windmills near our town.

Comments noted.

Unfortunately, you bureaucrats don't care about the citizens' voice or our desert. All you care about is lining your ~~own~~ pockets with money! That is really sad for you and the citizens. Our government wonders why the citizens are so unhappy with them. Several reasons have already been given. Politicians have become crooks after they get elected, then care about money and not their constituents. I think citizens are really, really, really tired of the cycle.

Please revoke the permits you have issued for the Searchlight Windmill Farm. We do not want them in Searchlight.

Please deposit your comment form into one of the boxes provided at the meeting or
Fold, tape top of form, and mail your comments to the address below:

Bureau of Land Management
Las Vegas Field Office
ATTN: Gregory Helseth
Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

RECEIVED
NDA
SOUTHERN
DISTRICT
OFFICE
2017 JUN 13 AM 10:15



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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: Searchlight Nevada N.V.
Your Name: Bruce Dobbie Name: _____
Address: P.O. BOX 582 Address: _____
City/State/Zip: Cal - Nev - Ariz City/State/Zip: _____

Please check all that apply:

- ☐ Add my name to the mailing list for this project
☐ Do not include my name on the mailing list
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Comment:

- 1- Water is precious to any community. In the three communities affected by this project, water is limited by these aquifers to the extent that they have been parched over the years to a concern by its residence. In my opinion if a hundred thousand tons of concrete is to be mixed, how much water will be required times 80 plus wind generators. It must be understood that the water in the ground is all we have.
- 2- The pedestals that mount these generators need a level foundation for the cement pour. These areas of consideration need to be blasted by explosives cause this is a hard rock mining area and considerable damage to home will occur. It is probable that the blasting will fissure the aquifers and water will escape to god knows where.

Refer to Section 4.3.2-Direct and Indirect Effects by Alternative, which reads, "The concrete batch plant is expected to use approximately 1.5 acre-feet of water to make approximately 40,000 cubic yards of concrete for construction of WTG foundations, substations, and the O&M building. This is based on the estimated use of approximately 4,000 gallons of water per day over a period of about 5 months." This averages approximately 6 gallons per minute over a 12-hour work day.

From: Cheryl Cross [mailto:searchlightnuggetcasino@yahoo.com]
Sent: Wednesday, April 18, 2012 6:58 PM
To: BLM_NV_SND0_SearchlightWindEnergyEIS
Subject: Wind Energy project

Our beautiful views will be gone for ever. Our beautiful quiet nights will now be very loud.
Also, if we are forced with these windmills, shouldn't we benefit with some power?
The community isn't getting anything and giving up so much in return.
Also, in the future our landscape will never be the same and these huge things will always be there as skeletons when new technology replaces them.

Reggie Doing
P.O.Box 1433
Searchlight, Nv. 89046

From: Cheryl Cross [mailto:searchlightnuggetcasino@yahoo.com]
Sent: Wednesday, April 18, 2012 7:05 PM
To: BLM_NV_SND0_SearchlightWindEnergyEIS
Subject: Draft Environmental Impact Statement

I've lived in Searchlight over 40 years. The desert landscape - the mountains mean the world to me.
These windmills are going to greatly impact Searchlight, the people who live here and the tourists coming through our area.
Please don't let this project be approved.

Riley G. Doing

Refer to Section 4.9-Visual Impacts for a discussion of visual impacts.
Refer to Section 4.10-Noise Impacts for a discussion of noise impacts.
Refer to Section 4.12-Socioeconomic Impacts for a discussion on the benefits of the proposed project. As a stipulation of the ROW Grant, the BLM will require a financial bond as described in Appendix C: BLM Wind Energy Development Program Policies and BMPs, page A-4) and a Facility Rehabilitation and Decommissioning Plan as described under APM-10.

Comments noted.



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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: _____
Your Name: _____ Name: ROBERT C FURTEK
Address: _____ Address: 2621 BELLO DR
City/State/Zip: _____ City/State/Zip: N LAS VEGAS, NV 89030

Please check all that apply:

- ☐ Add my name to the mailing list for this project
☐ Do not include my name on the mailing list
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Comment:

Wildlife Impact:
① The area is frequented by birds of prey such as Golden Eagle, Harris's Hawk, Coopers Hawk, Red-Tailed Hawk, and Turkey Vultures. Many species migrate thru this area as well as nest there. The Bald & Golden Eagle Protection Act would apply. At Altamont Pass 50-75 Golden Eagles per year are killed. With 25 years of operation, some 2,300 will be killed from the current propeller style.
② 21 of 23 bat species found in NV have been documented in the southern NV area.
③ Area is a migration route for desert bighorn sheep.
④ Many species of lizards, desert rodents & desert tortoise (NV's state reptile) occupy the area.

Conflict of Interest:
The wind industry routinely uses false or incomplete EIRs to white-wash the detrimental impacts of propeller wind turbines.

Page 1

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy). The decision as to whether an eagle take permit is being requested is between the USFWS and Searchlight Wind Energy, LLC.

Acoustic monitoring of the area was conducted for two years and species documented in the project area are discussed in Section 3.4.4.2-Existing Environment under Bats.

Bighorn sheep use of the project area is discussed in Section 3.4-Biological Resources.

This comment is consistent with the information presented in Section 3.4.3.2-Existing Environment.

Comment noted.



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Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: _____
Your Name: _____ Name: ROBERT C FURTEK
Address: _____ Address: 2621 BELLO DR
City/State/Zip: _____ City/State/Zip: N LAS VEGAS, NV 89030

Please check all that apply:

- ☐ Add my name to the mailing list for this project
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Comment:

They kill nesting & migrating birds from Canada and Alaska.
Many biologists with FWS, USDA, NDOI are qualified to do surveys
but are silenced by policies dictated by the industry
according to Jim Wiegand, Biologist, UC Berkeley.

Other Concerns:

- ① Gas line Road is going to be buried only 18-24 inches deep
creating a rupture & explosion as occurred at San Bruno, CA
a PG&E gas line.
- ② Current prop wind turbines are archaic, In the works are
wind turbine designs that will not kill birds. Vertical
Shaft Wind Turbines built by Environmental Technologies, LLC
are only 11 feet tall and are silent. Before proceeding with
this wind farm, more investigation into best technology
needs to be done.

The Applicant will be required to coordinate with Southwest Gas should there be any pipeline crossings, e.g., roads, underground electrical collection systems, etc. The result of the coordination would be a legally binding agreement that such crossings would meet Southwest Gas-provided standards for engineering and applicable material requirements to ensure the safe and continued operation of the gas line.

Comment noted.

Page 2

April 17, 2012

BLM, Las Vegas Field Office
Attn: Greg Helseth, Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
ghelseth@blm.gov
BLM_NV_SNDO_SearchlightWindEnergyEIS@blm.gov

COMMENTS ON SEARCHLIGHT WIND ENERGY RIGHT-OF-WAY APPLICATION

Dear Mr. Helseth:

As a concerned citizen, a resident of Southern Nevada, and a landowner in the impacted Searchlight area, I am respectfully requesting that the Bureau of Land Management DENY the right-of-way application submitted by the Searchlight Wind Energy Project (NVN-084626).

After reviewing the DEIS for this project, I am convinced that approving the application would violate both commonsense and the BLM's obligation to the citizens of the United States to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations." The wind farm project will be nothing short of a death sentence, both economically and biologically, for the Mohave Desert and the town of Searchlight.

The only conclusion the BLM should reach for this project is that of an outright denial of the ROW application!

Summary

1. This document states there are no "Environmental Justice Issues". The turbine noise, ruining the pristine view shed, the amount of water to be used for this project to construct the bases of the turbines is not responsible environmental stewardship. This impacts local tourism, retired residents, and future development to the community.
2. This document states that the project is beneficial. No one wants an industrial wind farm in their backyard. This is not "beneficial" to Searchlight, a small, rural community that supports outdoor recreation. Even the wind rates are questionable.
3. Nearly all of the statistics used in the DEIS are outdated and/or obsolete. Current (2010) census data, as well as recent socioeconomic trends in population and real estate prices are readily available and should be used. The outdated data does not provide an accurate picture of the local population and economy, which has been more drastically-affected by the recession than other areas of the United States.
4. Several parcels on Oregon Trail Road were left out of the evaluation process. These properties are the closest to the turbines and will, therefore, suffer the most from the effects. A fair and accurate report can NOT be created without including these parcels!

Comment noted.

Comment noted.

Section 4.12-Socioeconomics has been updated to use 2010 Census.

All private property information was obtained from the BLM and confirmed with the Clark County Assessor's office. All properties on Oregon Trail Road were included in the EIS. Additionally, it was brought to the BLM's attention that the VTN map presented at public scoping meetings did not include this information.

5. The applicant has a long history of leaving citizens and local governments "holding the bag" for road repairs, taxes, and other costs that were originally touted as "benefits" to the community. Although the BLM's main focus is the government-owned land, as a taxpayer-supported agency it also has an obligation to protect its employer – the citizens of the United States!
6. The applicant does not have a purchase agreement, or even a letter-of-intent, from any utility to buy the power it proposes to generate. This is a classic case of "if you build it, they might come" mentality! The applicant proposes to spend billions of dollars, including taxpayer funds for the BLM's role in this project, to generate electricity no one plans to buy. The original proposal included sending the power to California (NOT to Nevada, so no benefits to us there, either). However, California recently announced it will no longer need to purchase renewable energy from outside the state and will, in fact, be SELLING power it generates!
7. Searchlight depends on a VOLUNTEER fire department, ill-equipped to handle large industrial turbine caused fires, which can quickly spread over thousands of acres of rough terrain. The nearest BLM Fire Station is at Hole in the Wall, in California. Clark County has small fire stations in Laughlin and Boulder City. None of these facilities is less than 45 minutes to one hour away under ideal traffic conditions. Under the often dry, windy conditions present, the entire town and nearby residences could be wiped out before adequate fire-fighting capacity arrived.

I respectfully request that the BLM deny the right-of-way application submitted by the Searchlight Wind Energy Project (NVN-084626). This project is bad for the environment, bad for the citizens, and

Respectfully,



Ellen Ross
214 E. Shelbourne Avenue
Las Vegas, NV 89123

Comment noted.

Comment noted.

As described in 4.14-Health and Human Safety Impacts; To reduce fire risk, the Applicant would construct a 20-foot-wide firebreak on the exterior of the perimeter fencing surrounding the O&M building and the proposed substations, in addition to a 20-foot wide firebreak surrounding individual WTG locations (APM-7). Shrubs and other large vegetation would be removed from the firebreak. Grading or discing would maintain the firebreak.

The electrical equipment enclosures that would house the transformers would be either metal or concrete structures. Any fire that could potentially occur would be contained within the structures, which would be designed to meet National Electrical Manufacturers Association standards for electrical enclosures (APM-14). The EIS contained a detailed description of the potential effects in 4.14-Health and Human Safety Impacts.

Additionally, mitigation measure included as an inherent element of the project, APM-7, is for development and implementation of an Emergency Response Plan that would include fire suppression and control.

SECTION 1

Page 1-6, Para. 1.3.1, line 35: The Searchlight wind farm is not representative of *environmentally responsible renewable energy*. There is nothing environmentally responsible about siting a wind farm in pristine desert adjacent to a national recreation area (LMNRA), and in close proximity to six wilderness areas.

Comment noted.

Page 1-9, Table 1-1: Of the 20 “Potentially Affected Resources”, sixteen resources (80%) will be negatively impacted by the destruction of the pristine desert. This is not good environmental stewardship!

Comment noted.

Page 1-10, Special Management Areas: The proximity of a large heavy industrial project adjacent to ACEC’s, SMA’s, wilderness areas, and the LMNRA is not an example of the BLM’s mandate to provide environmental stewardship, nor is it good for eco-tourism.

Comment noted.

SECTION 2

Page 2-15: The substation and laydown area should be set back further from Cottonwood Cove Road. People do not vacation at Cottonwood Cove to see industrial development. This is not good environmental stewardship.

Comment noted.

Page 2-18, line 23: What is the follow-up plan for re-landscaping after construction is completed? This is an area where people live and recreate. When disturbed areas along nearby U.S. 95 were re-vegetated” after construction activity, fully ninety percent (90%) of the transplanted plants died. This is not good environmental stewardship.

Refer to MM-BIO-1 – Interim Reclamation and MM-BIO – Cactus and Yucca Salvage Plan for a description of mitigation measures.

Page 2-21, Line 12: Have any geotechnical investigations been done thus far? The granitic bedrock in the Searchlight area may be too difficult to excavate or blast, and adequate foundations would be too costly to construct. Not a good idea...

No ground-disturbing geotechnical investigations have been completed to date. Refer to in Section 2.3.1- General Features of the Proposed Project for a description of geotechnical activities that would be completed as part of the proposed project.

Page 2-28, Construction Workforce: Where will the 250-300 construction and privately-owned vehicles used by the workmen be parked while they are on-site?

All project related activities, including parking, would be limited to the ROW. This would be a requirement in the ROD and/or ROW grant. Generally parking would be limited to the laydown and staging areas.

Page 2-28, Para 2.3.3: The construction of wind turbines with flashing lights would destroy the clear night sky and the rural environment. According to the DEIS, each WTG would have two lights, which flash day and night. That would be a total of 174 flashing lights in the previously dark sky. This is not environmental stewardship.

Comment noted.

Page 2-29, line 34/35/36: To where will the construction waste and refuse be hauled? The Searchlight drop station is already inadequate for existing use, and could not accommodate waste from a commercial operation.

If Searchlight cannot accept the volume of waste generated by the facility, the waste would be hauled off-site to a licensed waste management facility. Please refer to APM-8 and Section 4.15.14- Human Health and Safety for a discussion of mitigation measures. A Waste Management Plan would be a stipulation of the ROW grant.

Page 2-30, Para. 2.3.7: The “Re-grading and re-vegetation” plan is not comprehensive. Desert plants require watering for a year after transplant. If the project is decommissioned, who will be responsible for the care of the vegetation for that year? Newly-planted desert plants die without care and water. This is not good environmental stewardship.

Comment noted.

Page 2-30, Para. 2.3.8: The area of the proposed turbines is home to several dozen Bald Eagles, Golden Eagles, and Turkey Vultures. Vultures are particularly vulnerable to “death by turbine” because of their flight patterns. California wind farms are killing Golden Eagles by the hundreds. Knowing this, why

Refer to Appendix B-4: Bird and Bat Conservation Strategy for a risk assessment for birds utilizing the USFWS Land-Based Wind Guidelines.

would the applicant attempt to build a wind farm in an identified vulture and eagle habitat? Again, this violates the BLM's mission of good environmental stewardship!

Page 2-37, APM-2, Excavation/Grading. Yucca, cholla, and Joshua trees will be removed and placed in a nursery for transplanting, or as stated, "Organic matter will be mulched."?? Some of these plants are hundreds of years old. How can the BLM issue a ROW condoning this amount of destruction of pristine desert? This is not good environmental stewardship.

Page 2-39, APM-11, Aeronautical considerations. What consideration is given to plans to build homes and businesses around the airport? The necessary infrastructure has been installed. If and when the economy turns around, this project would be viable. However, if the wind turbines are built, the airport project will never be built.

Page 2-43, MM BIO-3: The DEIS states "Desert tortoise fencing would be installed around Western's proposed switching station." Will the roads and WTG pads also have tortoise fencing? The high number of tortoises counted in the area would indicate that ALL areas of construction should be fenced. Why would the BLM approve such a project in an area of KNOWN high tortoise population? This directly violates the BLM's responsibility to provide good environmental stewardship.

Page 2-44, MM BIO-5. Sixteen varieties of bats are found in the area. How will their roosts in mine shafts and natural caves be monitored during blasting and construction to ensure that no disturbance is taking place? How will the disturbances affect the populations that currently roost in those shafts and caves? This is not good environmental stewardship.

Page 2-46, MM TRAN-1, Traffic Management Plan. The DEIS states "To further reduce effects to the US-95/ Cottonwood Cove Road intersection, the Plan will identify an alternate access route to the Proposed Project site during peak construction if possible." I suggest the "planners" look at a map of the town of Searchlight. The only "alternate routes" would be through residential areas with roads even narrower than the 24-foot wide Cottonwood Cove Road. These narrow side streets also have 90-degree turns that would not accommodate construction traffic. I do not believe there is any alternate route in Searchlight.

Page 2-48, Para. 4.12 – Socioeconomics. Very difficult to believe that applicant can make a statement that is so totally false. Property values will plummet even further than they already have; residents will move away; tourism will dwindle; local businesses dependent on tourism will fail; and the small town of Searchlight will never be able to expand beyond its present size. No one will develop anything other than more wind turbines, or possibly a hazardous waste dump, close to wind turbines that stand 430 feet tall, create 24-hour per day noise, despoil the viewshed, and have flashing lights day and night. This is total devastation for the town of Searchlight, "... the gateway to popular Lake Mohave in the Lake Mead NRA."

As a realtor, I work in and around the Las Vegas and Searchlight areas. Land prices are down 90%; residential property prices are down 70%. Wind turbines will kill real estate sales along with the birds. Your evaluation is totally off-base and lacks environmental stewardship.

In addition, the project map prepared by VTN dated 11-10-2009 neglects to show a number of private holdings located at the northwest part of the project. There are approximately six different landowners there, and at least six occupied residences. Why are these not shown on the project drawings?

Comment noted.

BLM had considered effects to aviation in Section 2.2-Action Alternatives Considered But Not Analyzed in Detail which contains a discussion how public and FAA representatives concerns regarding the potential impacts on public safety and airport operations from the WTGs sited nearest to the Searchlight Airport resulted in BLM eliminating alternatives that would potentially adversely affect airport operations.

Future airport development would be subject to Federal Aviation Authority regulations including Compatible Land Use, per 14 FAR Part 150 which provides that the general rule on residential use of land on or near airport property is that it is incompatible with airport operations because of the impact of aircraft noise and, in some cases, for reasons of safety, depending on the location of the property.

Fencing around the WTG pads and roads are not currently proposed. Tortoise fencing along roads would fragment tortoise habitat. Ultimately mitigation measures for the desert tortoise are determined by the USFWS and issued in the Biological Opinion, which is included in Appendix B-2: USFWS Biological Opinion.

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as an Avian and Bat Protection Plan [ABPP]) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy).

Text regarding an alternate access route has been removed from the EIS.

Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. A literature review on property value impacts has been added in Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

Page 2-49, Fire prevention: The small volunteer fire department in Searchlight is not equipped to fight the types of fires created by failed wind turbines. As an owner of property on the Oregon Trail, I am opposed to heavy commercial vehicles using this access road.

SECTION 3

Page 3-5, Para. 3.1.2.8, Line 13: "The soils in the Searchlight area are susceptible to erosion by wind and water." Wind erosion will be a problem for the life of the project, and beyond, not just during construction. High dust is already an issue in Eldorado Valley, where drivers lose visibility on a windy day. Once the amount of destruction of desert vegetation and the natural crust of the soil surface necessary for the proposed project has taken place, the area will likely be a dust bowl.

Applicant should also consider the potential for respiratory illnesses occurring in local residents, resulting from the dust. Many of the local residents are elderly and susceptible to respiratory diseases; some even moved to Searchlight to escape air pollution in other parts of the country. There also exists a real possibility for outbreaks of Valley Fever. As recently as 2009 a person in Boulder City contracted Valley Fever simply by being near a construction site on a windy, dusty day.

There are reports of recent cases of Valley Fever in areas of Southern California deserts that are being stripped of vegetation for the installation of wind and solar projects.

Page 3-35, Para. 3.5.2.1 Previous Archeological Investigations, lines 36-37: Will the remaining five sites be evaluated prior to any construction taking place? Elders from the Mohave and Chemehuevi Tribes have stated that they have not had the opportunity to walk the proposed project site to identify cultural resources. Both are in agreement that there are ancient trails transecting the site. Have these trails been identified? The project is in the viewshed of Spirit Mountain, which is a sacred site. Further investigation and mapping of trails and prehistoric sites in the area should be performed. More outreach to the Colorado River Indian Tribes needs to be done, to insure that sacred, historical and unmapped archeological sites are not damaged or destroyed.

Tribal representatives are not in favor of a wind farm within the view shed of Spirit Mountain.

Page 3-44, Para. 3.8.2 Existing Environment: The DEIS states there, among other uses, "... limited livestock grazing ...". There is NO livestock in this area! All cattle, burros and wild horses were removed many years ago.

Page 3-44, Para. 3.8.2.1 Land Ownership: What compensation will be given to the private owners of the small parcels totaling approximately 644 acres? These people bought their land with the understanding they would be able to have the quiet enjoyment of their property in a remote, unspoiled area. Others bought with the intention of building homes in the future, or perhaps to speculate on the land. The land in proximity to the turbines will now be seriously devalued. If applicant argues that value will not be affected by the presence of the turbines, then applicant should be willing to buy out these landowners at the owner's purchase price or negotiated price, whichever is greater. Destroying the view shed and environment with wind turbines will decrease the already depressed land value by yet ANOTHER 50%! This is not only environmentally irresponsible, it is economically disastrous!

Page 3-45, Para. 3.8.2.2 Governing Land Management Plans: The DEIS states the project is located in an area under the jurisdiction of the 1998 Las Vegas RMP and ROD (BLM 1998), as amended by the 2005 Wind Energy Development document. The 1998 RMP is currently under revision; the DEIS for the revised RMP is supposed to be available this Fall. Is this statement still true? Which RMP will govern?

Comment noted.

During construction Searchlight Wind Energy, LLC would be required to use an approved dust control measures to lesson blowing soil. After construction is complete disturbed areas would be revegetated.

The project emissions will not exceed the NAAQS and Clark County DAQ air quality standards described in Section 4.6- Air Quality Impacts.

According to the Center for Disease Control in 2010 there were over 16,000 reported cases of Valley Fever (i.e. coccidioidomycosis), the majority of which were located in Arizona and California (Accessed July 3 2012 at:

<http://www.cdc.gov/fungal/coccidioidomycosis/statistics.html>).

According to the University of Arizona's Valley Fever's Center for Excellence, two-thirds of all infections in the United States occur in Arizona, mostly in the urban areas surrounding Phoenix and Tucson. (Accessed on line July 3, 2012 at:

<http://www.vfce.arizona.edu/GeneralInfo/default.aspx>). This research suggests that although Valley Fever may occur in Nevada, it is not as likely compared to other parts of the southwest. This statement is supported by the information available from Southern Nevada Health District which documents less than 10 cases per year of Valley Fever have been reported in Clark County, Nevada to date (2009-2012) (accessed online July 4, 2012 at:

<https://www.southernnevadahealthdistrict.org/stats-reports/disease-stats-jan12.php>).

Searchlight Wind Energy LLC has modified their project to eliminate one access road and moved one wind turbine to avoid impacting National Register of Historic Places (NRHP)-eligible features on three sites. Only one prehistoric site has been determined NRHP-eligible and it would be impacted by this project. As a mitigation measure to reduce any unnecessary impacts to eligible as well as ineligible cultural resources within the Area of Potential Effect, an archaeological monitor, will be present during road construction and improvements to aid in avoiding NRHP-contributing features as well as other recorded prehistoric sites and mining features in historic sites in the Project area.

Reference to livestock grazing has been removed from the EIS.

The Las Vegas RMP, approved October 5 1998 is the governing document for this project, along with any other approved planning or programmatic document covering this field office or project type. The revised (Las Vegas) RMP Record of Decision is not anticipated until the summer of 2014.

Page 3-48, Duke Energy Rights of Way: Acreage listed differs from that stated elsewhere in the DEIS. This table states 24,382.56 acres; elsewhere the project is described as 18,949 acres. Which is correct?

Page 3-48, Southwest Gas Corp. Rights of Way: Has applicant gotten permission from Southwest Gas to build a road on/adjacent to the high pressure gas pipelines? As stated earlier, building roads and transporting heavy construction equipment over a shallow-buried high-pressure gas pipeline will present a major safety hazard, as will excavation for underground collection lines.

Page 3-58, VRM map: The views of Spirit Mountain and Lake Mohave are unique. Likewise, expansive views of Joshua tree woodlands and forests of Teddy Bear Cholla are equally beautiful in our area. Local residents and tourists find the Mohave a special place. I am insulted by the lack of concern for this desert community.

Page 3-60, Para. 3.9.4.2 Landscape Characteristics: A quote from this paragraph is as follows: "The landscape is panoramic, and expansive vistas of distant mountains are common." This sums up the beauty of the desert. However, a panorama intruded upon by 430 foot tall wind turbines is virtually destroyed for all who live in and travel through the region. This is not environmental stewardship.

Page 3-60, Para. 3.9.4.5 Lake Mead Recreation Area. Park visitation at Cottonwood Cove is stated at over 300,000 annually. All 300,000 visitors arrive at Cottonwood Cove via Cottonwood Cove Road. An 8 to 12 month construction period would financially destroy the concessionaire at Cottonwood Cove, and much of the tourism that comes through Searchlight. Applicant should perform an economic analysis to quantify the revenue lost by the concessionaire, the National Park Service, and all Searchlight businesses that are dependent on tourism. The lost business would also result in a loss of sales tax revenue for the county and state.

Page 3-60, Para. 3.9.4.7 Dark Skies: Finding a location near any major city with dark skies is very difficult. At present, the area around Searchlight has skies dark enough to permit star gazing. Boaters on Lake Mohave are also able to enjoy the beauty of starlit skies without the intrusion of heavy industry. If the project is built the lighting on the turbines will destroy the dark skies in the area. This is not good environmental stewardship.

Page 3-80 Noise

While the data presented appears to be impressive, other countries have been studying noise emitted by WTG's for longer than the U.S. Wind farm studies have determined that the types of noise and vibration created by wind turbines are unique. These have been shown to have serious negative effects on the health of nearby residents, and cannot be measured with traditional methods of measurement. This is not good environmental stewardship.

Applicant needs to research and incorporate data from studies done within the past two years that apply specifically to industrial scale wind turbines. The mere fact that applicant requested and was granted a variance to increase the allowable noise level for the project area by sixteen percent (16%) indicates that applicant knows that wind turbines create noise that will affect the local environment.

Articles and studies are available where residents living near wind farms alternately describe the effect as "living next to a jet engine that revs up but never takes off"; or "sounds of thumping like tennis shoes in a clothes dryer". Residents also complain of throbbing heads and chests from the sounds and vibrations that are inaudible but felt throughout their body (infrasound).

The correct acreage for the proposed project area is 18,949 acres of BLM-managed land. The proposed project components would only be on BLM-managed lands. The total from Table 3.8-2. ROWs within or adjacent to the Proposed Project Area is from a database that has not been corrected to reflect the actual ROW.

Southwest Gas Corporation holds a ROW grant from BLM for an existing gas line within the project area. BLM ROW grants are non-exclusive. BLM Reserves the right to grant other actions within a ROW area. Searchlight Wind Energy LLC would be required to coordinate its construction and operational activities with existing adjacent ROW holders to facilitate their continued safe operations.

Comments noted.

Section 4.12-Socioeconomic Impacts has been updated to include potential effects on recreation and tourism.

Section 4.9-Visual Resources Impacts states that while some lighting will be necessary to comply with FAA regulations, it will be minimal and would not contribute to sky glow or glare.

Comment noted. The modeling study conducted for this project is the accepted standard for NEPA analysis. Refer to Section 4.10.2-Direct and Indirect Effects by Alternative for the explanation of conservative assumptions that were used in the noise modeling analysis.

The applicant's representative at the Searchlight public information meetings, Robert Charlebois, characterized noise from wind turbines as "sounds like raindrops falling on leaves" or "sounds like your refrigerator running." These comments are false and meant to deceive those people whose communities will be forever altered by Duke Energy's plans. Their quiet enjoyment of their rural lifestyle can never be destroyed.

The "Region of Influence" studied was within two miles of private property. Some of the residences are only one-quarter mile from the turbines. These residences will, no doubt, not be fit for human habitation due to noise if this project is built. The turbines should be no less than three miles from any residence. **My property is located approximately 800 ft from turbine #1.**

Additionally, studies have shown that under certain atmospheric conditions, noise from WTG's can be heard for 15 kilometers (approximately nine miles). This range would include Lake Mead National Recreation Area at Cottonwood Cove; the Sprit Mountain Wilderness Area; and all of the communities of Searchlight and Cal-Nev-Ari. This is not good environmental stewardship.

Page 3-84, Para 3.10.2.3 Surrounding Land Uses and Potential Noise-Sensitive Receivers. The first paragraph lists locations of nearby residents, but does not mention the homes off Oregon Trail Road. Why? These are the people who live the closest and will be most impacted by the project. These are also the same properties that do not show up on the 2009 map indicating private property parcels as outlined and shaded areas.

Several of these parcels were also omitted from Table 4.10-4. Predicted Operation Noise – 87 WTG Layout Alternative. The table estimates expected noise levels at other nearby private property parcels.

The paragraph also states that no residences are closer than 1000 feet from turbines. Many communities are placing setback for wind turbines from residences at two kilometers (1.2 miles). Just because Clark County does not have this restriction does not mean it should not apply to the residents of the community of Searchlight. Applicant should be required to redesign the project to meet the 2 kilometer setback from ALL private property.

Page 3-86, Para 3.10.2.4 Ambient Sound in the Project Area Vicinity, Line 12: The DEIS uses data from the 2000 Census. A census was conducted in 2010. Twelve year old data, given the changes in the country's economy and population in the past five years, is irrelevant. The DEIS should use current data in its review, or the conclusions drawn will not be accurate.

Page 3-88, Para 3.11.22, Existing Environment, lines 28 – 35. This paragraph presents a very accurate description of the existing use of the area, and the reason people choose to live and recreate here. The BLM is seriously misguided to even consider allowing heavy industrial development in the area described as: "... attract[ing] recreation visitors seeking a primitive recreation experience of natural beauty, solitude, and freedom from the regulations of structured urban environments."

The only Alternate that BLM should consider for this area is that of "No Action"; meaning no project.

Page 3-92, Para. 3.12.2 Existing Social Conditions: As of January, 2012, applicant did not have a power purchase agreement (PPA) with any buyer. The state of California is providing its own renewable energy. Arizona is on track to meet its RPS. If applicant does secure a power purchase agreement with a utility in another state, I fail to see how that will benefit the residents of Southern Nevada. Any tax

No peer reviewed scientific studies indicate wind turbine sound being audible at a distance of 15 kilometers over land. See noise modeling presented in Section 4.10.2-Direct and Indirect Effect by Alternative for discussion on the conservative projected noise levels in the area. These models are considered conservative because the model assumes that all receptors are downwind of the noise sources simultaneously, which a physical impossibility but one that results in a conservative calculation of maximum expected sound levels.

No peer reviewed scientific studies that indicate wind turbine sound being audible at a distance of 15 kilometers over land.

Section 3.10.2.3-Surrounding Land Uses and Potential Noise-Sensitive Receivers, has been updated to include residents on Oregon Trail Road.

The noise modeling analysis included residential properties that were nearest to any wind turbine locations. Parcel 24324000010, which was included in the analysis, is closer to a wind turbine than parcel 24324000011. Similarly, Parcel 24324000021, which was included in the analysis, is closer to a wind turbine than parcel 24324000012.

Comment noted.

The census data has been updated to the 2010 data, which resulted in a change in this section from 576 to 555. The change did not change the results of the analysis.

Comment noted.

Comment noted.

benefits to the county and state would be offset by loss of wildlife habitat, loss of recreation opportunities, and the loss of rural lifestyle, no matter where the expensive wind power is sold.

Page 3-94, Para. 3.12.2.1 Community Setting: This is an accurate description of the area. Particularly important is the recognition of Searchlight as "... the gateway to popular Lake Mohave in the Lake Mead NRA." This further enforces the obvious conclusion that this area is not an acceptable site for an industrial scale wind farm. BLM should not grant a ROW for this project.

Comment noted.

Page 3-94, Para. 3.12.2.2 Demographics and Social Trends, and Table 3.12-1 Population Statistics. Once more, why is 2010 Census data not incorporated? If the projections for 2013 are based on data from 1990 through 2008, they are way off the mark. Population peaked in Clark County in approximately 2007-2008, and has since declined. DEIS should be revised to reflect actual Census data for 2010, and projections recalculated through 2015.

Data updated to 2010 Census and 2016 projections.

Page 3-97, Tables 3-12-2 and 3-12-3: The data used in these tables is 12 years old. They should be redrawn, using 2010 Census statistics.

Page 3-98, Para. 3.12.2.3 Area Housing Characteristics: Use of data for housing prices from 2008 is totally erroneous. Data on real estate pricing is readily available from many sources. Data from Applied Analysis indicates that the 2010 median Existing Home Price in Clark County, Nevada, was \$123,200, which represents an accurate devaluation of 60%-70%. The median home price in Searchlight is now \$60,000.

Page 3-100, Para 3.12.4 Economic Existing Conditions: Let's talk about eco-tourism. Why is no mention made of the tourists (non-gaming) who recreate at Lake Mohave? Boaters, fishermen, kayakers, campers, hikers and other eco-tourists come to enjoy the quiet of the Joshua tree woodlands. These tourists eat in the restaurants, buy gas, and buy food at the convenience stores. This source of economic input will largely be lost forever if the turbine project is built. Searchlight is more than just a wide spot in the road between Nevada, Arizona, and California!

Recreation and Tourism Impact discussion added to document in Section 4.12-Socioeconomic Impacts.

Page 3-101, Para. 3.14.4.2 Area Income Levels: Again, data should be specific to Searchlight, and be at least as current as the 2010 Census. A quick drive around the region will verify that actual Searchlight income is more like that of Bullhead City, Arizona. Many residents are totally dependent on Social Security for their income. The report does note that the SIA has more people with incomes below \$50,000 than the two-county region. I'm sure the 2012 income base will be even lower than 2008, due to the decline of the economy in the entire nation, and particularly in Southern Nevada.

Data updated to 2010 Census.

Page 3-102, Income History Graph: This graph only extends to 2000. The report states that "Overall during this period (1970 to 2000) the relative level of prosperity in the region was improving." That may have been true then, but between 2007 and 2012 the economic bubble burst, and the economics of the region today is far different. Many local economists feel the bottom still has not been reached. Nevada has the highest unemployment in the nation. Until tourism rebounds this will not change.

SIC code data series only extends to 2000. Comment noted.

If this project were built, it would create a few short-term jobs for out-of-town specialists, but in the long term would destroy the tourism in Searchlight. Therefore, the ROW should not be granted.

Page 3-106, Table 3.13-1, Estimated 2008 Families with Incomes Below National Poverty Level: Table should be redone using, at a minimum, 2010 Census data.

Data updated to 2010 Census.

Page 3-107, Para. 3.14.2.1 Potential Hazardous Materials and/or Waste: As noted in earlier comments, the potential for construction damaging the high pressure gas pipelines in the area is probably the most serious issue. Applicant needs to address, in detail, how the project would be redesigned to avoid the Southwest Gas Company easements and underground high pressure pipelines. Not only would damage to a gas pipeline do great damage to the area of Searchlight, but it would also cut off a much of the supply of natural gas to the Las Vegas Metropolitan Area.

Page 3-109, Para. 3.14.2.2 Fire Hazards: Placing 430 foot tall turbines in an area of frequent electrical storms should not be permitted. There should be serious concerns about turbine-caused wild fires. One only needs to visit the Altamont area of northern California to see the frequency of fires within a wind farm. The cause may be equipment failure, or the attraction of lighting to tall structures. Summertime storms in the area of Searchlight are accompanied by a great deal of lightning strikes.

Page 3-110, Paragraph 3.14.2.4 Transmission Lines and Pipelines: The paragraph makes no mention of the Southwest Gas Company's high pressure gas pipeline(s) that cross the full length of the project area. What safety provisions will be put in place to protect the workers and the residents?

SECTION 4.0 Environmental Consequences

Page 4-14, Para 4.3.1 Indicators: The DEIS states "The Proposed Action would affect water resources if it: Decreases groundwater supply . . ." There would be heavy water usage for construction and dust mitigation, but continued water use as the many miles of road will require ongoing maintenance and dust control. Water must be used to control dust on the areas stripped of vegetation for fire breaks? Once the natural vegetation is stripped, the area will become a prime area for infestation of non-native plants and noxious weeds.

Page 4-14, Paragraph 4.3.2.1. No Action Alternative: The BLM should arrive at the conclusion that to preserve the existing ecology of the area, as well as preserve the rights of the people who live in the area to have access to an adequate supply of potable water is the only possible action. This is the ONLY response that will allow the BLM to uphold its mandate from the citizens of the United States to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations."

Page 4-15, Groundwater Usage: The DEIS states that this usage would not impact groundwater recharge, but there is no indication that studies have been done on this specific area to confirm this assertion. Applicant should be required to have such a study performed to ensure that the water requirements for construction, O&M, and decommissioning will not deplete the Searchlight and Cal-Nev-Ari water supplies. Failing to independently confirm that the aquifer will renew/refill at a rate equal to, or above, the rate at which the project will use is very poor groundwater management. This certainly violates the BLM's mandate to protect the land!

Page 4-51, Section 4.7 Transportation Impacts, Para. 4.7.1, Indicators

The project would absolutely increase traffic, degrade the roads, prevent adequate emergency access, and cause loss of access to private land parcels. In addition, since each turbine has a safety set-back of 886 feet, access to recreation access points would be affected.

With 300,000 visitors annually to Cottonwood Cove, on a road that is narrow and steep, putting construction traffic into the mix is a recipe for disaster.

Southwest Gas Corporation holds a ROW grant from BLM for an existing gas line within the project area. The grant is non-exclusive; therefore, the BLM reserves the right to authorize other actions within a ROW area for compatible uses. The Applicant will be required to coordinate with Southwest Gas should there be any pipeline crossings, e.g., roads, underground electrical collection systems, etc. The result of the coordination would be a legally binding agreement that such crossings would meet Southwest Gas-provided standards for engineering and applicable material requirements to ensure the safe and continued operation of the gas line.

APM-7 provides for development and implementation of an Emergency Response Plan that would include fire suppression and control.

The firebreaks will need to be stabilized, either with water or some other approved method. Once stabilized, the firebreaks should no longer require watering, as no vehicle traffic is expected that would break the crust. Section 4.3.2.2-Proposed Action – 96 WTG Layout Alternative and Section 4.3.2.3-87 WTG Layout Alternative have been updated to include water usage estimates for construction of the wind facility.

The EIS specifies that alternative sources for construction water will need to be pursued in the event that SWS lacks the necessary capacity. The Applicant will coordinate with the Las Vegas Valley Water District to support the water needs for the project. If sufficient resources are not available, the Applicant will procure water from local willing sellers. Groundwater recharge in the project area is derived primarily from interbasin flow and precipitation percolating into permeable geological surfaces. An estimated 160 acres will be finished with impermeable materials; concrete and/or buildings. The estimated reduction of permeable surfaces across the 18,949 acres development would be less than 1%.

The setback is in conformance with BLM Instructional Memorandum 2009-043, which states that no turbine on public land will be positioned closer than 1.5 times the total height of the wind turbine (approximately 640 feet) to the right-of-way boundary. No turbines are located within the setback from any building or primary road, other than the spur road to each turbine used for construction and maintenance, or two-track and casual-use roads.

During the construction period those people who use Oregon Trail Road would encounter great difficulty just coming and going from their properties.

Page 4-52, Lines 13 and 14, state "When construction is completed, access for motorized travel might increase due to the construction of 29 miles of new roads."

With each turbine having an 886 foot safety set-back due to potential for blade throw, just where will the public be allowed to drive? The roads are closer than 886 feet to each turbine.

Page 4-52, Lines 15 and 16: "Given the number of vehicle trips during the construction period, along with the movement of heavy construction equipment, it is reasonable to anticipate that the Proposed Action might damage public roads through increased use." The word "might" should be changed to "will". There is no doubt that the volume of heavy construction equipment will cause severe damage to existing roadways.

Page 4-52, Lines 21 and 22: "Construction of the Proposed Action would have a beneficial effect on road conditions because it would result in restoration of a county road to its preconstruction conditions for both the base and the surface."

The "preconstruction condition" is not optimum. Saying that taking the road back to preconstruction condition is like saying it would be beneficial to have your ten-year old car totaled, then getting it back after 8 to 12 months in the body shop, complete with the same dings it had before it was wrecked and repaired!

Page 4-52, Line 36: "Overweight and oversized loads could cause short-term disruptions to local traffic." Oversized loads on Cottonwood Cove Road will shut down all other traffic. The road is 24 feet wide, and is the only route to Cottonwood Cove on Lake Mohave.

Page 4-53, Lines 10, 11 and 12: "Future roadway improvements in and around Searchlight could reduce potential traffic delays, improve traffic flow, and increase access for motorized travel." What roads and what improvements is the applicant committing to make?

Page 4-56, Land Ownership: "the 5.5% of the project area that includes privately owned parcels would not be affected by the construction, O&M, or decommissioning of the Proposed Project, as it has been sited to specifically avoid privately owned parcels." This is blatantly untrue – EVERYONE who owns land in this area will be negatively affected. Studies have proven that values of private property land within sight of wind turbines are immediately devalued by at least 50 percent. For the DEIS to state that these parcels would not be affected is an insulting and uneducated conclusion.

Is the applicant or the BLM so certain that the property values will not be negatively impacted that they are willing purchase all private property, both residential and open land, within three miles of the project area? I thought not.

Page 4-79, Para. 4.10 Noise:

The DEIS spends untold pages discussing the methodology, etc. The fact is that most people who will be affected could tolerate the construction noise for the 8 to 12 month period. This is assuming the construction will not occur 24 hours per day for 365 days. What is totally unacceptable is having to live with the noise from wind turbines for fifty years. The turbine sound is un-ending and is in fact 24 hours per day, 365 days per year. Residents living near wind farms have reported heart disease, tinnitus,

Refer to MM-TRAN-1-Traffic Management Plan for a discussion of traffic plan elements that would be included to address effects on local traffic. The Traffic Management Plan would be a stipulation of the ROW Grant.

Each turbine has a setback recommended by the manufacturer, which ranges from 866 to 1,050 feet as it is a function of rotor diameter. No turbines are located within the setback from any building or road, other than the spur road to each turbine used for construction and maintenance. The setback is in conformance with BLM Instructional Memorandum 2009-043, which states that no turbine on public land will be positioned closer than 1.5 times the total height of the wind turbine (approximately 640 feet) to the right-of-way boundary.

Text in Section 4.7-Transportation Impacts, modified to the following:

Given the number of vehicle trips of heavy construction equipment during the construction period, it is reasonable to anticipate that the Proposed Action will damage public roads. Only minor vehicle use is anticipated during O&M and decommissioning. The Proposed Project site is in a relatively undeveloped area, and it is anticipated that construction traffic would result in short-term effects on access or road conditions.

Construction of the Proposed Action would have a temporary adverse effect on road conditions because any damage would be followed by restoration of a county road to its preconstruction conditions for both the base and surface.

Refer to Section 4.12-Socioeconomic Impacts, which has been updated indicates there would be no effect on property values. For further information see the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

See Section 4.10.2-Direct and Indirect Effects by Alternative for discussion on noise impacts. MM-NOI-1 states that construction activities would only occur during daytime hours.

vertigo, panic attacks, migraines, and sleep deprivation. To sentence Searchlight residents to that for fifty years is incomprehensible.

Page 4-81, Line 21: The 1,400 feet setback from a wind turbine from private property is entirely inadequate in the desert. Clark County and BLM should develop standards for desert wind projects, which would require a minimum setback of three miles from private property.

Page 4-92, Line 18: DEIS states "Blasting might be necessary in order to construct access roads and set turbines." Change "might" to "will". Blasting will be necessary in much of the project area due to the hardness of the granitic bedrock.

Page 4-84, Table 4.10-2 Operation Noise Model Parameters. The source of the Wind Table data is from Duke Energy. It would be far more believable if the data was from an independent source. As stated earlier in these comments, this claim is not credible.

Page 4-85, Table 4.10-3 Predicted Operation Noise. Why does this table omit Parcel 24324000011? This parcel has people living on it full time. They will be far more impacted than the undeveloped properties that are listed. Was this parcel left off intentionally? Also, Parcel 24324000012 was omitted. It, too, lies very close to the nearest turbines, but at present is undeveloped. This table should be redone, and sound data for these two parcels included, as well as other nearby parcels which were not omitted.

Page 4-91, Para. 4.10.4 Residual Effects. What are the "applicable APMs and MMS"? Would this include turning off turbines at night, or if this is not successful in giving the landowners relief, buying out the property of the people who are affected?

Page 4-92, Para. 4-11 Recreation Impacts

Page 4-92, Para. 4-11.1 Indicators: All four items listed will occur if the project is built. Conflict already exists between the master plan for Searchlight Trails, and the planned WTG's. Also, noise levels will be in conflict with NPS levels for noise at night. Access to existing recreation will be altered by the presence of wind turbines along Cottonwood Cove Road, and ORV riding areas will be impacted by the presence of turbines in previously accessible areas. The levels of use at Cottonwood Cove will change. Many people will no longer find it desirable to travel to a site with the higher noise levels that will result from the turbines.

Page 4-93, Compliance with Management Goals: The DEIS states that there would be no change to the status of the ERMA or existing ROS classification. The eighty-seven 430-foot tall wind turbines will have a hugely negative effect on recreational opportunities. What would it take to constitute a change?

Page 4-93, Lines 11, 12, 13: Could this paragraph be translated into plain English? When 12 months of construction, 37 miles of new road, and 87 430 foot turbines in a natural area is considered fine for recreation areas on public lands, there needs to be some interpretation done.. The same question again. Given the 886 foot set-back zone for safety reason, how will the public access the roads? The altered environment and noise from turbines will eliminate the area for hunting. The change in the viewshed and noise level will not be acceptable for hikers looking for a natural experience.

Page 4-94, Lines 11 – 13: The Old Spanish National Historical Trail. "Construction activities would have minimal but permanent impacts on the trail." The BLM must come up with another plan that doesn't deface the environment and negatively impact the historical heritage in Nevada. Our history is NOT expendable!

The setback is in conformance with BLM Instructional Memorandum 2009-043, which states that no turbine on public land will be positioned closer than 1.5 times the total height of the wind turbine (approximately 640 feet) to the right-of-way boundary.

It is not certain that blasting will be necessary because on the ground geotechnical studies have not yet been conducted.

The data in Table 4.10-2. Operation Noise Model Parameters were provided by a wind turbine vendor, and represent the sound power level of the turbine as measured according to IEC 61400-11:2002. This standard was specifically developed to quantify noise output from wind turbines.

The noise modeling analysis included residential properties that were nearest to any wind turbine locations. Parcel 24324000010, which was included in the analysis, is closer to a wind turbine than parcel 24324000011. Similarly, Parcel 24324000021, which was included in the analysis, is closer to a wind turbine than parcel 24324000012.

See noise modeling in Section 4.10-Noise Impacts, for discussion on the conservative projected noise levels in the area. It is not anticipated that noise would exceed Clark County Noise Standards at residences; therefore, no mitigation is required.

BLM right-of-ways are managed for multiple uses. Section 4.10-Noise Impacts, indicates that sound levels for the NPS would be under 35 decibels which is in conformance with the NPS requested level. No wind turbines are directly adjacent to Cottonwood Cove Road. WTGs would be visible from the road. Access roads would be improved, providing access for OHV riding. Cottonwood Cove is 7.5 miles from the nearest WTGs and the noise level would not change from current levels.

The Recreation Opportunity Spectrum (ROS) classification gives the BLM direction in how to manage for recreation use. Each ROS Class is defined in terms of "activity opportunities," "recreation setting conditions," and "experience opportunities." The Searchlight area is classified as "roaded natural". Although there would be a change in the recreation setting experience, there would be no change to the activity opportunities and a change to only a portion of the experience opportunities. If the change would have also increased recreation use to cause the need for additional recreation facilities development, it may have caused the classification to change.

Each turbine has a setback recommended by the manufacturer and could range from 866 to 1,050 feet as it is a function of rotor diameter. No turbines are located within the setback from any building or primary road, other than the spur road to each turbine used for construction and maintenance. This is a standard design safety precaution to protect established structures and major thoroughfares. This does not prevent the use of the road. OHV users and other recreationalists can drive on the maintenance roads or existing two-track roads in the area.

Text has been included in the FEIS to indicate that existing access roads and/or highways cross the Congressional route of the Mojave Road Variant of the Old Spanish Trail. In November of 2012 the BLM consulted with the NPS National Trails Intermountain Region office representative and they concurred with the BLM that there would be no conflict between this route and the project either directly or visually due to this Congressional route already having been adversely impacted from historic and modern improvements along the corridor in the Searchlight Wind Energy Project vicinity. No mitigation is recommended for this project

Page 4-94, Lines 31 through 40. It is an understatement to say the project “could” have long-term impacts on the recreation setting and experience. The Searchlight wind farm WILL change the impacted area from pristine desert to a heavy industrial zone. The document states the project would “degrade the quality of the recreation setting.” This area is an important area for Bighorn Sheep, and the document states the project could have a negative effect on big game and upland game and wildlife habitat. Given the admitted degradation of the natural area, and negative effect on every aspect of the area, the BLM cannot consider any alternative other than the “No action” alternative and still uphold its obligation to provide environmental stewardship to our public lands.

Page 4-95, Lines 4 through 8. It is stated that the project “. . . would not substantially impact the area’s potential for recreation opportunities . . .” This statement is not believable. Even though the so-called “footprint” is minimal, the fact that the turbines and infrastructure are dispersed over thirty square miles belies that statement.

Page 4-95, Para. 4.11.4, Residual Effects: How can a 30-square mile project be deemed having “moderate residual impacts on the recreation setting and experience resulting from the long-term presence of WTG’s transmission lines, and access roads.” How can the presence of 430 foot tall turbines, generating loud noises, and destroying the viewshed, be considered “moderate”?

Page 4-96, Para. 4.12 Socioeconomic Impacts

Page 4-96, Para. 4.12.1 Indicators: The temporary increase in construction workers is guaranteed to result in increased crime and auto accidents. Clark County and Searchlight infrastructure, including police, firemen and paramedics, are not prepared to handle these issues in a remote area. Define “Result in a tax burden to local residents not offset by the Proposed Action’s generation of new public revenue.” Searchlight is not incorporated, and taxes are set by the state and county

The people of Searchlight will suffer. Searchlight’s economy for years has been dependent on tourism. This project will effectively destroy tourism at Cottonwood Cove for one to two years. Since Searchlight does not have adequate resources to feed and house the construction workers during that period, it is incorrect to assume that revenue will replace the tourism dollars. The increased spending resulting from the project will occur in Las Vegas, Laughlin, Bullhead City, and even more distant sources of supply. Land Lease payments made to BLM go to the U.S. Treasury; sales tax goes to the state; property taxes go to the county and state. Searchlight will be left worse off economically and “social benefit-wise” than before the project.

The one group that will directly benefit from the project is the shareholders of Duke Energy. CEO James Rogers has been quoted as saying, when asked why Duke invested in wind projects, that wind projects guarantee Duke Energy from 17 to 22 percent return on equity. This is particularly obscene, when one considers the damage to the people of Searchlight and the desert environment surrounding the town.

Also, the location of the project surrounding the town on three sides will prevent future growth for Searchlight. The project is a “lose-lose” for the Searchlight and its residents.

Page 4-98, lines 13 to 25: The statement “The land would retain its rural desert qualities, and the habitats supporting ecosystems and species would not be altered from project-related encroachments.” is true, under the “No Action” alternative. In addition, the residents of Searchlight and the surrounding area could continue to enjoy their rural lifestyle; tourists could continue to find enjoyment in the natural environment surrounding Lake Mohave, Native Americans could continue to visit sacred Spirit Mountain

Recreationists will still be able to participate in their traditional activities; however, the type of experience will change.

Section 4.11.4-Residual Effects has been updated to state that residual impacts would be substantial instead of moderate.

Refer to Section 4.12-Socioeconomic Impacts under Fiscal Impacts.

Tax revenue stream to Clark County judged sufficient to cover increase in incident responses due to project construction and operation. Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values.

The analysis compares socio-economic conditions with and without the project.

without the beauty of the nearby desert having been destroyed; Searchlight residents could continue to enjoy the beautiful views of Spirit Mountain and Lake Mohave, and enjoy stargazing under the dark, quiet night skies. Eagles, bats, tortoises, desert bighorn and other wildlife could continue to survive in their natural habitat.

Only the No Action alternative would have very positive socioeconomic impacts in the immediate areas of Searchlight, Cal-Nev-Ari and Cottonwood Cove. There would also be no need to count dead eagles and other dead birds, dead bats, and dead tortoises under the No Action alternatives. Tourism would flourish.

Page 4-112, Line 32: The report notes that Cottonwood Cove Road passes by some of the newer homes in Searchlight. Please note: Very few of these homes were ever sold. The developer went bankrupt, and the empty homes are now bank-owned. I am the listing agent for the Cottonwood Lakes Homes, and I can assure you that these properties are already priced at approximately one-third of the original asking prices. The possibility of the homes being in the proximity of a wind farm has contributed to the low asking prices. Realtors are obligated to inform potential buyers of the plan for an industrial wind farm nearby.

Page 4-112, Line 34-35: The statement that “no negative impacts on property values from construction and O&M of the 87 WTG Layout Alternative could be documented.” This statement is incorrect.

Page 4-119, Fire and Electrocuting Hazards: The DEIS mentions overhead transmission power lines, but does not mention the underground hazard presented by the existing high pressure gas pipeline.

Page 4-120, Lines 4-14: This paragraph describes the propensity for WTG’s to cause fires. As discussed earlier, the local volunteer fire department may not be able to respond with enough fire-fighting capability to handle wind turbine caused fires, and other fire-fighting agencies are at least 40 miles distant. This would create a very hazardous situation for the residents of Searchlight.

Page 4-120, Lines 23 – 26: The creation of the fire breaks mentioned would result in clearance of a large amount of desert flora. This would contribute to very dusty conditions throughout the entire project area. How would applicant prevent dust from blowing following clearing of all vegetation? Will this require even more water than originally stated?

Page 4-125, Para. 4.15.9 Visual Resources: If the life of the project is 50-70 years, the visual resources are essentially gone for a lifetime. To say that there is not anticipated to be any irretrievable commitments of recreational resources is misleading. The resource is lost for at least two generations.

Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. For additional discussion, refer to the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

Southwest Gas Corporation holds a ROW grant from BLM for an existing gas line within the project area. The grant is non-exclusive; therefore, the BLM reserves the right to authorize other actions within a ROW area for compatible uses. The Applicant will be required to coordinate with Southwest Gas should there be any pipeline crossings, e.g., roads, underground electrical collection systems, etc. The result of the coordination would be a legally binding agreement that such crossings would meet Southwest Gas-provided standards for engineering and applicable material requirements to ensure the safe and continued operation of the gas line.

Refer to Section 4.14-Health and Human Safety Impacts for a description of the 20-foot-wide firebreak on the exterior of the perimeter fencing surrounding the O&M building and the proposed substations, and WTG locations (APM-7). APM-7 provides for development and implementation of an Emergency Response Plan that would include fire suppression and control. The firebreak acreage was included in the Air Quality analysis and a Dust Control Permit is required from the DAQ prior to start of construction projects in Clark County. The permit will contain measures to reduce fugitive dust.

Comment noted.

April 17, 2012

BLM, Las Vegas Field Office
Attn: Greg Helseth, Renewable Energy Project Manager
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COMMENTS ON SEARCHLIGHT WIND ENERGY RIGHT-OF-WAY APPLICATION

Dear Mr. Helseth:

As a concerned citizen and resident of Southern Nevada, I am respectfully requesting that the Bureau of Land Management DENY the right-of-way application submitted by the Searchlight Wind Energy Project (NVN-084626).

After reviewing the DEIS for this project, I am convinced that approving the application would violate both commonsense and the BLM's obligation to the citizens of the United States to "sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations." The wind farm project will be nothing short of a death sentence, both economically and biologically, for the Mohave Desert and the town of Searchlight.

Based on the information in the DEIS, the only conclusion the BLM should reach for this project is an outright denial of the ROW application!

1. **Data Used:** Nearly all of the statistics used in the DEIS are outdated and/or obsolete. Current (2010) census data, as well as recent socioeconomic trends in population and real estate prices, are readily available and should be used. The outdated data does not provide an accurate picture of the local population and economy, which has been more drastically-affected by the recession than other areas of the United States. This can, and in my opinion HAS, led the BLM to draw erroneous conclusions in the DEIS. The use of faulty data to reach a conclusion that could negatively impact an entire community, as well as numerous wilderness areas, is unacceptable.
2. **Missing Data:** Several parcels of privately-owned land which will be directly impacted by the proximity of the WTGs were not included in the DEIS evaluation. These properties, off Oregon Trail Road, are the closest to the proposed WTG sites. At least one property line is INSIDE the required 886-foot "blade throw safety setback"! Failure to include these parcels in consideration is both deceptive and inexcusable!
3. **Oversight:** Several items in the DEIS require the applicant to commission and provide reports or supervision for environmentally-sensitive mandates and agreements, such as cultural resources and desert tortoise protection. There is no mention of any oversight to ensure compliance by the applicant. This oversight should NOT be provided by the applicant, so who WILL provide it and from where will the funds and manpower be obtained?
4. **Water:** "Water for the Proposed Project would be obtained from the existing 15 SWS, which is supplied by two supply wells, or another existing water right in the Searchlight area." What studies have been done to confirm the recharge rate for the local water table? Southern Nevada is in the middle of a drought, and 2012 is predicted to be the worst year yet. Where is the water coming from? Will the residents and business owners in Searchlight suffer because the construction needs outweigh the water available?

Comment noted.

4.12-Socioeconomic Impacts have been updated using 2010 Census data.

All private property information was obtained from the BLM and confirmed with the Clark County Assessor's office. All properties on Oregon Trail Road were included in the EIS. No turbines are located within the setback from any building or road, other than the spur road to each turbine used for construction and maintenance.

A third party compliance contractor will be a stipulation of the ROW grant. Third party compliance contractors are funded by the applicant but must be approved by the BLM.

The Nevada Division of Water Resources monitors water use. Water law in Nevada is based on protecting prior appropriations. Piute Valley is a designated basin. Therefore, no additional water rights can be issued. If the SWS system cannot meet the water demand for this project, then alternative sources will be sought. The Applicant will coordinate with the Las Vegas Valley Water District to support the water needs for the project. If sufficient resources are not available, the Applicant will procure water from local willing sellers

5. **On-Site Construction:** Why are the turbine towers being constructed on-site? In New Zealand, turbine towers are constructed off-site and then lifted into place via helicopter. This minimizes the environmental impact, since only a standard-width access road is required. Why is there no mention in the DEIS of other construction methods (such as the helios) that could enormously reduce the damage to our desert? Is this a case of "but we've ALWAYS done it this way" over an environmentally-sound alternative?
6. **Relocation of Plants and Cacti:** Despite what the *Searchlight Botanical Survey Report* (AEC 2010), which was prepared for Duke Energy, claims, Joshua Trees DO grow in the impacted area. These endangered plants are NOT suitable for transplanting, as they are very delicate. Given that 90% of the desert plants along US-95 died after being "re-vegetated", the very idea that anyone could temporarily move and/or store delicate Joshua Trees (or any other desert plants), and then replant them is ludicrous.
7. **Use of US-95 for Transporting Turbine Parts and Equipment:** US-95 between Las Vegas and Laughlin, NV is, at best, a nightmare to drive. There are already thousands of vehicles per day using this road, including hundreds of 18-wheelers and RVs. Adding the number of oversized construction vehicles required to deliver turbine sections and other necessary equipment to the project site will overload the highway and create even more traffic nightmares than already exist.
8. **Effect on Cottonwood Cove Drive:** Cottonwood Cove Drive is a single-lane-each-way road, primarily used by residents and visitors to the Colorado River. The amount of construction traffic, and the size of the vehicles needed, will overload the existing road. It will create traffic obstructions that will prevent easy access to both the residential areas and the river. Widening the road by 50% (to 36 feet) will destroy both the desert habitat and the very nature of the entryway to the Colorado River.
9. **Socioeconomics:** The DEIS claims the project will provide "short-term, beneficial residual effects on population and housing..." There will be no beneficial effects, short-term or otherwise, for the town of Searchlight. Any workers hired for the project will either be "locals" who already have housing in Las Vegas, or will be brought in from out-of-town and therefore be housed in Las Vegas, as Searchlight has limited visitor lodging available. This does nothing at all for the economy of the town that will be most affected by the construction. The same applies to the "long-term beneficial residual effects" of the wind farm. There are NO beneficial effects for Searchlight!
10. **Local Opinion:** Although the BLM's obligation to the taxpayers does not require it to make decisions based on popularity with local residents, when nearly everyone who will be **directly affected** by a given decision is OPPOSED, it would be unreasonable of the BLM to ignore their opinions. In this case, the vast majority of Searchlight residents and landowners are opposed to the wind farm project, which will surround their town on three sides, devastate their already-depressed property values, and potentially destroy their livelihoods and dreams of retirement.
11. **Cultural Resources:** The applicant is charged with preparing, on the BLM's behalf, an "inventory of cultural resources within the APE...to determine which are historic properties..." and to determine the project's potential effects on these resources. There is no mention of independent oversight to ensure an honest and accurate report is generated by the applicant.
12. **Clean Water Act:** The applicant is charged with preparing a report identifying wetlands. Again, there is no mention of independent confirmation of the report's results. This is akin to allowing the fox to guard the henhouse!

Construction using helicopters would still require road construction or improvements for construction of foundation excavation and other construction activities. Helicopter use for heavy construction raises safety concerns, and noise impacts.

The commenter is correct that Joshua trees and other desert fauna is difficult to transplant. A detailed cactus and yucca salvage plan is being developed for the project and elements of that plan are discussed in MM-BIO-2-Cacti and Yucca Salvage Plan. If the project is approved, the salvage plan will be included as a stipulation in the ROW grant.

Comment noted.

A Traffic Management Plan would be prepared to address effects on local traffic. Refer to MM-TRAN-1 for a discussion of elements that would be included in that plan. The Traffic Management Plan would be a stipulation of the ROW Grant. It is not proposed that Cottonwood Cove Road would be widened to 36 feet (see Figure 2-2-87 WTG Layout Alternative).

Comment noted.

Comment noted.

The inventory was conducted by professional archaeologists and architectural historians employed by an independent contractor (URS Corp.). The contractor is required to provide unbiased recommendations for cultural resources in the project area. BLM archeologists, familiar with the project area, reviewed the cultural resources report and provide constructive comments to the contractor. The federal government, not the independent contractor, makes the final determinations on the eligibility of sites in consultation with the State Historic Preservation Office.

The wetlands report (Jurisdictional Determination) and permitting is subject to regulatory review of the US Army Corps of Engineers.

13. **Lack of Need:** The applicant does not have a purchase agreement, a letter-of-intent, or even a "gentlemen's agreement" from any utility to buy the power it proposes to generate. This is a classic case of "if you build it, they might come" mentality! The applicant proposes to spend billions of dollars, including taxpayer funds for the BLM's role in this project, to generate electricity no one plans to buy. The original proposal included sending the power to California (NOT to Nevada, so no benefits to us there, either). However, California recently announced it will no longer need to purchase renewable energy from outside the state and will, in fact, be SELLING power it generates!

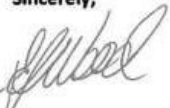
14. **Areas of Critical Environmental Concern (ACEC):** The DEIS specifically states that there are ACECs "adjacent to and surround[ing] the project area". Because the designated project area does not include these lands, no evaluation was made of any direct impacts. However, the DEIS further states that during the construction phase, "Some [wildlife] species that are particularly mobile might be able to avoid injury or mortality by leaving the area." The report also states: "... noise and activity associated with construction could cause animals to avoid the area, thus altering their normal behavior patterns." Given that the ACECs are ADJACENT to the impacted area, where do you think those "mobile" species will be going? The DEIS claims APMs 1-4 and APM-9 will "mitigate" any problems for the ACECs, but none of those APMs cover the possible addition of wildlife populations to areas of CRITICAL ENVIRONMENTAL CONCERN!!

"Residual effects on wildlife diversity, populations, and habitat resulting from implementation of the Proposed Action or alternatives would be long-term. Effects include the permanent loss of 152-160 acres of wildlife habitat, resulting in the loss of shelter, breeding and foraging opportunities in the project area, and barriers and hazardous to wildlife behavior patterns with construction of new roads and transmission line towers." Again... loss of habitat = relocation of plants and animals, which WILL have a DIRECT impact on the ACECs! It is the obligation of the BLM to "sustain the health, diversity, and productivity of America's public lands..." To uphold this mandate, a complete study of the potential impact of these "mobile" species on the ACEC is required.

Six wilderness areas near the proposed project site have also been deemed by the BLM to be worth preserving, in addition to the ACECs. Why would this agency consider destroying the area immediately adjacent to Searchlight? The turbines will be visible from several of the six wilderness areas, as well as the Mojave Desert Preserve in California. How can these still be considered wilderness areas if they are in proximity to heavy industrial development?

It is my heartfelt wish that the BLM deny this ROW application. The devastation this project will cause to the residents of Searchlight, combined with the long-term destruction of a large section of the Mohave Desert, is simply unacceptable. This is the MOHAVE DESERT, not the Gobi. It is not a barren wasteland avoided by all living things. It is a vibrant, living eco-system. Allowing this to be ruined for next 70 years directly violates the BLM's mandate to protect our public lands both now and for the future.

Sincerely,



Eileen F Wood
6009 Chariot Lane
Las Vegas, NV 89110

Comment noted.

Possible impacts to wildlife are limited to the project area because that is the area in which impacts would occur. An ACEC is deemed an avoidance area except within a half-mile of a federal-aid highway. The proposed project would not have any habitat removal or operational impacts within the ACEC except for the proposed switching station and transmission line, which in which this exception would be applicable. Development of the proposed project (i.e. land outside the ACEC) is in conformance with BLM land use policy as discussed in Section 4.8-Land Use Impacts.

Possible impacts to wildlife are limited to the project area because that is the area in which impacts would occur. An ACEC is deemed an avoidance area except within a half-mile of a federal-aid highway. The proposed project would not have any habitat removal or operational impacts within the ACEC except for the proposed switching station and transmission line, which in which this exception would be applicable. Development of the proposed project (i.e. land outside the ACEC) is in conformance with BLM land use policy as discussed in Section 4.8-Land Use Impacts.

April 17, 2012

BLM, Las Vegas Field Office
Attn: Greg Helseth, Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
ghelseth@blm.gov
BLM_NV_SND0_SearchlightWindEnergyEIS@blm.gov

Dear Mr. Helseth:

I would like to submit these comments for the Draft Environmental Impact Statement (DEIS) for the Searchlight Wind Energy Project (NVN-084626) and request that the BLM deny the right-of-way application submitted by the Searchlight Wind Energy Project (NVN-084626).

I am opposed to the project for the following reasons:

1. Nearly all of the statistics used in the DEIS are outdated and/or obsolete. Current (2010) census data, as well as recent socioeconomic trends in population and real estate prices are readily available and should be used. The outdated data does not provide an accurate picture of the local population and economy, which has been more drastically-affected by the recession than other areas of the United States.
2. The Purpose and Need Statement should incorporate a "need" to protect wildlife, visual resources, cultural resources, property values and public health.
3. The DEIS failed to consider a full range of alternatives. The National Environmental Policy Act requires the Bureau of Land Management to examine alternatives outside of the jurisdiction of the lead agency.
4. The BLM needs to consider a distributed generation alternative, a private lands alternative and an alternative that sites the project away from sensitive wildlife resources and private property.
5. The BLM needs to include an alternative that designates No Action and declares the site inappropriate for wind energy.
6. The DEIS states that the Las Vegas Resource Management Plan will not need to be amended to approve this project because the site was examined by the Wind Energy Programmatic Environmental Impact Statement in 2006, but the Wind PEIS contains very little specific information on the Searchlight Wind Project site. The Las Vegas Resource Management Plan is a very big land use plan and will need to be amended to examine the impacts of the project.
7. In some cases, the project would be located within a quarter mile of private property. Several privately-owned parcels, those closest to proposed WTG sites, were not included in the noise data review. The DEIS does a poor job of evaluating public health impacts such as Wind Turbine Syndrome and effects from dust stirred up during construction.

Data has been updated to 2010 Census.

The EIS's purpose and need statement complies with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instructional Memorandum 2011-059. The purpose and need statement appropriately integrates Congress's goal that the Secretary of the Interior should seek to approve renewable energy projects on the public lands; direction from Secretarial Order 3285A1 (March 11, 2009, amended February 22, 2010), which establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior; and the BLM's responsibility under FLPMA to manage the public lands for multiple use, taking into account the long-term needs of future generations for renewable and non-renewable resources.

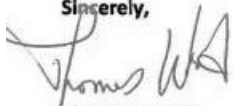
The BLM developed a purpose and need statement and considered a range of reasonable alternatives consistent with NEPA, applicable regulations, and BLM policies and procedures, including BLM Instruction Memorandum 2011-059. The two action alternatives satisfy the purpose and need because they fulfill BLM's obligation to consider the ROW applications under FLPMA and NEPA and because they are consistent with other applicable federal mandates and renewable energy policies and goals.

Section 1.5-Land Use Plan Conformance Determination and Section 4.8-Land Use Impacts discloses that the project is consistent with the BLM RMP. This EIS evaluates the site-specific impacts to resources as directed by the PEIS.

8. The project would further damage the already depressed property values of local residents and landowners.
9. The project would be located in very close proximity to Lake Mead National Recreation Area and the Colorado River which has a unique and important avian fauna. It is a fly-way for migratory birds. The numbers from the Altamont Pass wind farms in California prove that wind energy injures and kills avian fauna. The nearest turbines would be just 8 miles from the Colorado River.
10. Lake Mead is an essential area for wintering bald eagles, and golden eagle nests have been found within 5 miles of the project. Golden eagles are being killed by wind turbines all over North America.
11. Surveys for the project have stated that the desert tortoise population numbers are about 13 adults per square mile which is significant. The project will fragment the habitat with large wind turbine footprints and about 30 new miles of roads, many of which will be 36 feet wide. Mitigation proposals are not sufficient to prevent impacts to the species.
12. The project would block linkage and movement corridors for desert bighorn sheep.
13. Most of the biological resource mitigation for the project is deferred and there is little information on how the applicant will mitigate impacts to bats, burrowing owls, Gila monsters, rare plants, etc.
14. The DEIS has not evaluated all of the cultural resources located on the site.
15. The project will have negative impacts on the visual resources in the area. It will be visible from Lake Mead National Recreation Area, the Mojave National Preserves and wilderness areas adjacent to the site. The project will also have red flashing aviation lights activated for the entire night. The project will be a visual disturbance to the local residents of the area which could impact the tourism economy.

I would like to request that BLM adopt a No Action Alternative for this project and to designate the area inappropriate for wind energy.

Sincerely,



Thomas Wood
6009 Chariot Lane
Las Vegas, NV 89110-2707

A Dust Control Permit is required from the DAQ prior to start of construction projects in Clark County. The permit will contain measures to reduce fugitive dust.

The updated Socio analysis presented in Section 4.12-Socioeconomic Impacts indicates there would be no effect on property values.

Comment noted. Impacts to golden eagles are discussed in Section 4.4.5.11-Migratory Birds - Direct and Indirect Effects by Alternative and Appendix B-4: Bird and Bat Conservation Strategy, which has been added to the EIS.

The USFWS determines appropriate mitigation measures in the Biological Opinion, which is included as Appendix B-2: USFWS Biological Opinion.

Impacts to desert bighorn sheep are discussed in Section 4.4.5.14-Game - Direct and Indirect Effects by Alternative. Also refer to Appendix B-3: Terrestrial Wildlife Plan, which has been added to the EIS. The project would only occupy a small portion of the available migratory corridor between these mountain ranges leaving some connectivity between the ranges; therefore, the project effects are anticipated to be minimal.

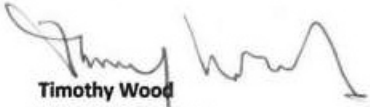
A Bird and Bat Conservation Strategy (BBCS) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy).

Burring owl mitigation is discussed under MM-BIO-6. Mitigation for Gila monsters is discussed under MM-BIO-4 and in Appendix B-3: Terrestrial Wildlife Plan. No rare plants were found in the survey area; therefore, no mitigation is required.

An intensive cultural resources inventory of the Area of Potential Effect (APE) (i.e. activity areas surrounded by a large buffer) was performed. No disturbance activities would occur outside of the 200-foot buffer area. Cultural resources outside of the APE would not be impacted. Any modifications or changes to the APE would trigger additional cultural resource inventories. All sites identified during the Class III inventory have been evaluated for eligibility to the National Register of Historic Places.

Comment noted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy Wood', written over the printed name.

Timothy Wood
6009 Chariot Lane
Las Vegas, NV 89110-2707

SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Public Meeting Comment Form
Bureau of Land Management, Las Vegas Field Office, NV

The Bureau of Land Management (BLM) is holding public meetings to encourage public comments on the Draft Environmental Impact Statement for the proposed Searchlight Wind Energy Project. Comments received during the Draft Environmental Impact Statement (EIS) comment period will be addressed in the Final EIS. Written comments on the Draft EIS must be received via email or postmarked no later than April 18, 2012. For further information, please contact Gregory Helseth at (702) 515-5173 or send an email to: blm_nv_snd_searchlightwindenergyEIS@blm.gov.

Please provide your current mailing address and/or any additional names and addresses you think should be included on our mailing.

Meeting Location: Douglas City
Your Name: Thornton Michael Name: _____
Address: 330 E Warm Springs Rd Address: _____
City/State/Zip: LV, NV 89119 City/State/Zip: _____

Please check all that apply:

- ☐ Add my name to the mailing list for this project
☒ Do not include my name on the mailing list
☐ Withhold my name/address to the extent allowed by law (only for persons not representing an organization)*

* All comments received by the BLM become a part of the public record associated with this proposed project. Accordingly, your comments (including name and address) will be available for review by any person that wishes to review the record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law.

Comment:
Being recently settled in Las Vegas.
These turbines ~~are~~ will impact on environment
eg: flora, fauna, ruin amenity values.
I previously was a citizen in a country where
green technologies are required by law. on this basis.
current proposal is, short sighted, ill considered & poorly
located. Any jobs created will be short term.
I suggest both parties get onboard an aircraft bound
for New Zealand & discover the "correct" way to
install environmentally friendly energy sources.

Comment noted.

April 18, 2012

To: BLM, Las Vegas Field Office
Attn: Greg Helseth, Renewable Energy Project Manager
4701 N. Torrey Pines Drive
Las Vegas, NV 89130
ghelseth@blm.gov
BLM_NV_SNDO_SearchlightWindEnergyEIS@blm.gov

From: Zachary Stanko, E.I.T., Humboldt State University
656 16th St
Arcata, CA 95521
zps2@humboldt.edu

Subject: Comments on Searchlight Wind Energy Project Draft EIS

Summary

The main points addressed in this memo cover four topics: NEPA procedures, water resources, aesthetics, and economics. The focus of this critique is on the wind turbine generators (WTGs) that are proposed to be constructed (i.e., not the switching station). Overall, some deficiencies in impact mitigation, value estimates, and graphic representation are identified. There are also some organization and clarity issues that could confuse the reader. My Intent in disclosing these deficiencies is to see the project is described fairly and accurately.

Introduction

I am writing this memo as a research engineer at the Schatz Energy Research Center in Arcata, CA, and with a general interest in wind power projects. I am in favor of this project and wish to address some points that may have been overlooked and could lead to misunderstandings. My area of professional expertise is hydrology and water resources and my position as a citizen is one of a frequent visitor to national parks and recreation areas. The Searchlight Wind Energy Project (the Project), as I understand it, is an application by Searchlight Wind Energy to construct, operate, maintain, and eventually decommission a 200+ MW wind turbine generator (WTG) facility adjacent to the town of Searchlight, NV.

Procedural Comments

The purpose and need for the BLM is to respond to the right-of-way applications by Searchlight Wind Energy. If granting or not granting permits is the sole reason for the BLM conducting this analysis, then either no action (deny the permit) or action (granting the permit) with or without modifications would be the result. However, there is no clear method or criteria for choosing

A table summarizing impacts has been added to the Executive Summary.

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between the proposed action (96 WTGs) and the BLM preferred alternative (87 WTGs). Some method for the reader to determine the tradeoffs associated with a difference of 20 MW between alternatives. If the difference is only a disturbance of 20 temporary acres and 8 permanent acres, then it seems that the extra power over a proposed 30-year lifespan would be preferred. While I recognize there are additional, substantial differences to the two alternatives, such as particulate emissions, the performance of each alternative with respect to all criteria investigated should be synthesized in a reader friendly table. A modified significant impact summary, including significance after mitigation and a life-cycle cost/benefit assessment, for each action alternative is requested.

The most noticeable public process deficiency is the absence of stakeholder identification. Interested groups or individuals include but are not limited to: residents of Searchlight, Native American tribes, developers, ranchers, tourists, boaters, miners, National Park Service, and local agencies. Many of these affected parties are mentioned in specific sections, but a compiled list (most appropriately in the Public Scoping Process section beginning on page 1-8) of everyone with interests would be useful.

Water Resources

The description of the three affected watersheds is included, but little information is presented on how to assess the potential impacts. The available data is limited and properly characterizing existing conditions requires further studies. However, merely presuming existing groundwater quality and flow directions is insufficient for a project of this magnitude. The mitigations for the construction phase include maintaining acceptable water quality conditions, but no actions to monitor potential effects are presented. The potential erosion and runoff effects on groundwater quality is significant and there is no measure of current salinity or suspended solids to compare. While the mitigation measures are appropriate, additional water quality parameters, such as turbidity, should be measured as a gauge for impact intensity.

Since water contamination is unacceptable, there should be thorough mitigation procedures for ensuring that water quality remains unaffected. As presented, actions that ensure the mitigations are successful, in any phase of the project, cannot be found. Equipment monitoring to prevent or identify any leaks or spills is included, but water quality monitoring is also necessary. During storm events, some measure of sediment load should occur for at least one surface water body in

Please refer to the expanded Chapter 5-Consultation and Coordination, for a list of stakeholders, public scoping processes, and coordination with other agencies.

It is assumed that the commenter intended to write "surface water" instead of "groundwater" as being sensitive to erosion and runoff effects. The issues of potential erosion will be addressed in the SWPP, which would be a regulatory requirement for project development.

Refer to the recommended lists of BMPs for monitoring and secondary containment, runoff and erosion control. The Applicant must prepare a SPCC plan for review and approval by NDEP prior to storing regulated substances on site. In the event of a release of hazardous materials or wastes, the incident would fall under the NDEP Bureau of Corrective Actions, which oversees the cleanup of regulated substances that impact air, soil, water and ecological resources. Regarding the commenter's recommendation of performing modeled simulations to estimate impacts, NDEP requires that field assessments be performed, which include sampling and laboratory analyses to quantify impacts of regulated substances released to the environment. Modeling would be a possible future tool for evaluation, but is not considered appropriate nor useful for the initial assessment.

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each of the three watersheds. This will be an indicator for any unsuccessful erosion control measures. In addition, if a hazardous leak were present and unnoticed, there is no mitigation to ensure the contaminant would ever be identified and removed. Some modeling should be completed to estimate the time it would take for a contaminant to percolate into groundwater. If a leak was found, depths of soil penetration should be modeled to estimate remediation needs. Existing wells outside of the project area should then be monitored for any trace evidence of the hazardous materials used.

The Project's estimates and impacts of groundwater usage are insufficient. The DEIR states on page 4-15 that estimates are based on "similar renewable energy projects in the western U.S.," but no specific projects are mentioned or cited. There is also no criteria for identifying this impact's significance nor is there any mitigation if Searchlight's water supply decreases beyond an acceptable amount. Water rights for the region are indicated on page 3-15, but the report does not describe any potential conflict between water needed for construction and water available after the local water needs are satisfied. Attempting to quantify the percent of available water resources that will be utilized for the Project would be a significant improvement to the currently identified water use impacts. A direct assessment of the Project's water availability impacts on the Searchlight Water System (SWS) could provide context on the volume estimates of water use. Residents of Searchlight and other water rights stakeholders deserve to know that their claims will not be affected when water demand is increased during construction.

The potential effect on surface water quality and runoff behavior will also be significant but mitigation procedures are not well defined. For example, Applicant Proposed Measure 4 (APM 4) is referred to frequently, but only states that a Stormwater Pollution Prevention Plan (SWPPP) will be developed. This proposed measure gives no detail on any specific components of this plan. Construction impacts to surface water are declared to be mitigated by APM 4, but the components of this plan are not presented so mitigation is not ensured. Mitigation Measure (MM) WATER-7 discusses some visual assessments of stormwater impacts, but the relationship between this and APM 4 is unclear. If the meaning is such that the measures listed in MM WATER-7 will become part of APM 4 then this should be explicitly stated. Additionally, the actions proposed in MM WATER-7 are not sufficient to identify contaminants or harmful levels of sediment in surface water. A suggested approach is to measure water quality parameters

The projected water use the construction and operations and maintenance of this project are considered reasonable estimates and are based on past project within the southern portion of the State. Nevada water laws are designed to protect existing, appropriated water rights. Section 4.3.2.2-Proposed Action – 96 WTG Layout Alternative and Section 4.3.2.3-87 WTG Layout Alternative have been updated to include water usage estimates for construction of the wind facility. In the event that existing water resources are found to be insufficient for the construction and/or operation of the proposed project, then an alternative water source will be pursued. The Applicant will coordinate with the Las Vegas Valley Water District to support the water needs for the project. If sufficient resources are not available, the Applicant would procure water from local willing sellers.

The SWPPP cannot be prepared until the WTG project design is available. The project Applicant will prepare a site specific SWPPP once the actual project footprint (number and locations of WTGs, roads, laydown yard, structures, etc.) is established. The SWPPP, which will describe a monitoring plan with thresholds and BMPs, must be approved by Clark County DAQ prior to issuance of a construction permit.

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(TSS, pH, etc.) in surface runoff before, during and after the project construction. An analysis of at least one sample, before and after construction, for any petroleum or hazardous waste contamination would reassure the public that there is a commitment to environmental preservation.

While it might be insignificant, the additional load on the region's wastewater treatment system should be evaluated. There is currently no mitigation presented that addresses the impact significance of an overloaded treatment system. Technical analysis should be completed to determine the maximum additional load the current system can safely and effectively treat. The results of this analysis should then be used to further compare the two action alternatives. The persons responsible for wastewater management in Searchlight would better prepare for an load increase if they had an estimate of the additional influent.

Use of a surface water simulation model would provide a better estimate of the cumulative effects of altering 230 acres of land versus 152. Some USGS models that might be appropriate for the Project region include: FESWMS, PRMS, and SWSTAT. FESWMS is a two-dimensional flow model used for simulating change to hydraulic conditions over broad horizontal plains. PRMS has the ability to model hydrologic processes from precipitation on a large watershed scale and can account for evaporation, transpiration, runoff, infiltration, and interflow. SWSTAT uses time-series data to generate hydrograph tables and curves, which can assist in watershed management. One or more of these models could be used to predict different flow scenarios over altered terrain and help assess erosion potential. For summaries of and links to these and other models, see: <http://water.usgs.gov/software/lists/surface_water/>. Quantifying current and predicted flows leaving each of the three watersheds could be used to determine sediment transport capacities. These capacities would then provide guidance on sedimentation control measures to prevent excess erosion and deposition.

In general, the water resource impacts are addressed generically and not technically. There are issues with several other APMs being too vague and failing to directly identify actions that will be taken. Also the presentation of impacts fails to meet the specifications of intensity and context of significance listed in the Environmental Consequences section of the DEIS. A clearer approach would be to directly present the context and intensity within each affected resource section. Lastly, there are instances of water volume estimates that lack an acknowledgement of

The proposed project has no plans to connect to the CCWRD treatment facility. Per Section 4.3.2.2-Proposed Action – 96 WTG Layout Alternative, a commercial contractor will bring in Temporary portable restrooms during construction. Following construction, the O&M building will be equipped with a septic system for treatment of sanitary wastewater that must meet the requirements of, and be permitted by the Southern Nevada Health District.

Comment noted. Hydrologic modeling may be utilized, as necessary, in the selection of BMPs for the SWPPP.

APMs, such as SPCCP, SWPPP, Dust Control Plan, all have very specific components, which would be addressed prior to approval by the appropriate regulatory agency.

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uncertainty in their value. An engineer might be interested to know if 4000 gallons of water used per day is plus or minus 10 gallons or 500 gallons. These uncertainties could add up over the length of the construction period (also a broad estimate) to an impact more severe than initially identified. A suggestion might be to include a safety factor in all water volume measurements to buffer any unexpected additional usage that could come from extended construction times or other unforeseen project changes.

Aesthetics

Foremost, the map depicting the key observation points (Figure 3.9-1) is not easily readable. The extent of the 50 mile radius is important to visualize, but several of the Key Observation Points (KOPs) nearest to the Project site could be identified on a map that has a smaller scale. In addition, the Visual Resource Management (VRM) classes for the project site are supposed to be visible in this figure, but they do not appear anywhere in the legend or on the map. It is possible that the wrong figure was referenced in which case this can be easily corrected.

One issue that could be improved is the images used to represent visual impacts. Within some of these existing and simulated picture comparisons (e.g., 4.9-1, 4.9-5, and 4.9-6) the exact location of the Project within the viewshed is undefined. A simple circle or arrow identifying where the Project lies within these views would enhance the reader's understanding of impact assessments. In many of these cases, the existing and simulation look exactly the same. If the simulated components of the images (i.e., the WTGs) were lost in the creation of the document then the DEIS should be republished with the corrected view. If there is no error in the image representation, then many of these comparison photos are unnecessary and the impact can be deemed insignificant.

One missing component that could enhance the Visual Resources Impacts section is a case study of a similar project. There are large wind projects that have been developed in similar terrain and some documentation of successful aesthetic mitigations should be available. Where similar sized WTGs were installed, some photographs of the structures from distances that correlate to the KOPs would provide a better perspective than some of the simulated images presented in the DEIS. Public feedback on the impacts to aesthetic quality after the implementation of similar projects would also be beneficial.

As requested, KOPs closer to the project area have been depicted on smaller scale maps. VRM Classes for the project area are visible on Figure 3.9-2. Visual Resource Management Classes near the Proposed Project Area. Text has been revised to reflect such. The incorrect figure was referenced. Text has been corrected to refer the reader to Figure 3.9-2. Visual Resource Management Classes near the Proposed Project Area.

KOP maps depicting the locations of the KOPs have been updated to illustrate the exact location of the Project. Also Visual simulations were evaluated at the recommended size and hazy conditions were taken into account; therefore, the contrast ratings were correctly evaluated. BLM visual resources specialists reviewed these evaluations. As full size visual simulations (approximately 20x60 inches) cannot be included in the EIS due to size constraints, the visual simulations in the EIS have been updated and scaled to appropriately and accurately compensate for the use of the wide-angled panoramic view.

Comment noted.

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The attempted methods for assessing aesthetic effects are mindful of sensitive views but do not provide an adequate method for comparing alternatives. An improvement to this method could be the assignment of arbitrary numerical values to the aesthetic levels of strong, moderate, weak, and none. While these qualitative descriptors are an adequate representation of visual contrast effects, numbers could be used and summed to obtain an overall change in contrast for each alternative. Another potential metric could be the percentage of a given KOP view that is obstructed by either the construction phase or completed WTGs. This would aid in the evaluation of the two proposed action alternatives. With the current evaluation technique, assessment of diminished aesthetic impacts resulting from nine fewer WTGs and two miles less of road construction is not possible.

Assessing the viewshed value at each KOP is difficult for the reader because the distinguishing aesthetic characteristics are not thoroughly explained. There could be better descriptions of form, line, color, texture and landscape contrast. The introduction of class II and III VRM areas is a useful way to assess different KOPs, but there is no description of which KOP belongs to each class. The addition of this information as a column to Table 3.9-1 would be sufficient. As a result, the reader is left with a paragraph description of each KOP to determine how protected the aesthetic value is. KOP 6 seems like the most sensitive, yet it lacks. Though it is not a major issue, it might be useful to point out an unfinished sentence at the top of page 3-67. The text is published as follows: "The only visible manmade feature in the view is ." Considering that the views from this KOP are of high scenic value it should be noted which structure is in view and describe its appearance.

Socioeconomics

The socioeconomic section should also be improved with a few additions and clarifications. First, there should be some justification for choosing a 3% discount rate and a 20% salvage value. Choosing these values is discretionary, therefore a sensitivity analysis of project costs to discount rate and salvage value should be included. The additional jobs that the Project would create is a good metric for comparing social costs between alternatives. However, it is not useful to see number of jobs reported with decimals (e.g., 47.9 jobs, page 4-102) and the values should be rounded down to the nearest whole number. It is also not mentioned how the estimate for jobs is generated or how much uncertainty is involved. Disclosure of the method(s) used to

The BLM asserts that the visual impacts would be similar for each alternative.

Text in Section 3.9.4.8 Selection of KOPs, on page 3-67 has been corrected.

The VRM is the area in which is visual alteration would take place, rather than the area in which the KOP photographs were taken.

Refer to Section 4.12-Socioeconomic Impacts for discussion of assumptions and methods. Salvage value based on estimate by project engineers.

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Comment noted.

generate all the socioeconomic data is needed to properly verify the results. Lastly, The economic costs and benefits, as well as job creation, for each action alternative should be added to the comparison of alternatives in tabular format to present key differences in socioeconomic factors.

Conclusion

The effort put forth in identifying all environmental impacts associated with the Project is appreciated yet minor additions to the analysis would improve the effectiveness of mitigation efforts. Overall, the report is compliant with NEPA procedures and appears to be written with the intent of NEPA in mind. The most beneficial additions to the analysis would include some form of surface water modeling and a detailed effort to sample water quality parameters before and after construction. The aesthetic section would benefit from clarity in KOP descriptions and a quantification of visual attributes that would show what is sacrificed for the extra 20 MW of power. Enhanced economic comparisons between the two action alternatives are also recommended.

Thank you for considering my comments,

Zachary Stanko

Greg Helseth, Renewable Energy Project Manager
BLM, Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130

Bard College at Simon's Rock
84 Alford Road
Great Barrington, MA 01230

Dear Mr. Helseth,

We would like to submit these comments for the Draft Environmental Impact Statement (DEIS) for the Searchlight Wind Energy Project (NVN-084626). We are concerned about the project for the following reasons:

1. Construction, operation, and maintenance of the wind turbine generators (WTGs) could have significant impacts on local wildlife which we feel the plan addresses inadequately. For example, the impact statement makes no mention of the indigenous sage grouse, which is known to be sensitive to the electromagnetic fields of overhead and un-insulated underground power lines, and as a result will not cross any areas where these power lines exist. This could be a problem because they could be restricted from moving to breeding grounds. In addition, given the ecological importance of bat species, we feel that Searchlight Wind Energy should provide more information about proposed bat mortality mitigation measures to the public.
2. WTG construction is predicted to have distressingly large consequences on local vegetation. We would like to see additional efforts made to mitigate these effects, and protect against loss of habitat for local wildlife. We feel that the loss of such a large amount of desert tortoise habitat, in particular, is unacceptable and that current measures are not sufficient to prevent significant impacts to the local population of this vulnerable species.
3. We believe that the DEIS failed to consider a full range of alternatives. The National Environmental Policy Act requires the Bureau of Land Management to examine alternatives outside of the jurisdiction of the lead agency. When a map of potential wind energy locations created by The Department of Energy's wind program and the National Renewable Energy Laboratory (NREL) was consulted, Searchlight, NV was revealed to have only "fair" potential to be developed for wind energy. In contrast, similar maps assessing potential for solar development clearly show that Searchlight is located in a solar energy hotspot. For this reason, we believe that with regards to renewable energy development at the Searchlight site, solar energy should be explored as a viable alternative to the building of wind turbines. A solar tower installation would take up less

The proposed project is outside of sage grouse habitat.

A Bird and Bat Conservation Strategy (BBCS) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy).

Comment noted.

The BLM considered a reasonable range of alternatives consistent with NEPA and BLM policies and procedures. Searchlight Wind Energy, LLC has conducted site specific testing (using Meteorological Data collected for 5 years) and determined that sufficient wind exists to support the project. Data collected from MET towers at the application site is proprietary information and is not available. The BLM will not typically analyze a non-Federal land alternative for a right-of-way application on public lands because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for renewable energy development. The BLM will not typically analyze an alternative for a different technology when a right-of-way application is submitted for a specific technology (e.g., evaluate a photovoltaic alternative for a concentrated solar power application) because such an alternative does not respond to the BLM's

space, present fewer hazards to local fauna, and have a greater capacity for energy generation.

In conclusion, we would like to request that BLM adopt a No Action Alternative for this project and that it designate the area as being inappropriate for the development of wind energy. However, we also would like encourage the federal and state authorities, as well as private companies, to invest in alternative opportunities for renewable energy generation around the Searchlight site, with particular emphasis placed on solar power as a safe and efficient substitute.

Regards,

Juliana Biro

Sarah Trachtenberg

Luke Stroehlein

purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology

Laughlin Meeting Transcripts

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9 REPORTER'S TRANSCRIPT
10 OF
11 PROPOSED SEARCHLIGHT WIND ENERGY PROJECT
12 DRAFT ENVIRONMENTAL IMPACT STATEMENT
13 PUBLIC MEETINGS
14

15 Held at Clark County Regional Government Center
16 101 Civic Way
17 Laughlin, Nevada 89029
18

19
20 Tuesday, February 21, 2012

21 6:00 p.m.
22
23
24

25 Reported by: Angela Campagna, CCR #495

1 IN ATTENDANCE:
2 ROBERT B. ROSS, JR.
Field Manager
3 Bureau of Land Management
4 GREGORY L. HELSETH
Renewable Energy Project Manager
5 Bureau of Land Management
6 STEPHANIE LÖCKE
Senior Environmental Scientist
7 New Fields
8

PUBLIC COMMENTS BY

9
DUNCAN FISHER
10 PHILLIP SMITH
THOMAS CASEY
11 RONALD VAN FLEET, SENIOR
WAYNE BUNDORF
12 JUDY BUNDORF
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1 FEBRUARY 21, 2010

2 LAUGHLIN NEVADA

3 * * * * *

4 MR. ROSS: Welcome everyone. I may not use
5 the microphone but I'm Bob Ross. I'm the field
6 manager for the Las Vegas field office. Welcome to
7 this hearing on the Searchlight Wind Energy Project
8 Draft Environmental Impact Statement. Your comments
9 are really important to us and your comments will be
10 addressed in the final environmental impact
11 statement. I want all of you to know that we have
12 not made a decision, the BLM has not made a decision
13 on this project yet. So your comments will be very
14 important to us and we want to hear what you have to
15 say today.

16 I do want to welcome any elected officials or
17 representatives of elected officials and that would
18 include any tribal officials or their
19 representatives. And then we have a pretty small
20 group. Do we have any tribal chairman here? No,
21 okay. Why don't you just kind of maybe still kind
22 of tell us who you're representing, what tribe
23 you're representing, if you could, please.

24 MR. FISHER: My name is Duncan Fisher from the
25 Colorado River Indian tribes, actually, not really

Comments noted.

1 representing the tribes. I'm representing all of
2 the Native Americans. That is the way I feel about
3 it. I was mainly concerned about the project that
4 is down south of Laughlin here, and I guess it's not
5 going to be mentioned tonight, but that is what I'm
6 concerned. And I'm here to meet the people that are
7 going to be dealing with that area. So a lot of you
8 folks probably will be dealing with it. But that's
9 my concern is that the other project still in this
10 area that you guys are looking at here, there is
11 still concern on my behalf too. So I'm from a
12 Native American point.

13 MR. ROSS: Thank you. Any other
14 representatives of elected governments? Okay. With
15 that, I will introduce Ron Van Fleet representing
16 Fort Mojave Tribe as a monitor, tribal monitor.

17 MR. SMITH: My name is Phillip Smith. I'm a
18 member of the Colorado Indian Tribe, Parker,
19 Arizona. I don't live here. I just drove down
20 there. I live in Needles all my life. And but my
21 concerns is also up this area because our people
22 used to live up this area long time ago in the past.
23 It was still been there except they were all taken
24 out by the soldier. We're not here for the right
25 choice but taken out. And my concern is what was

Comment noted. Impacts to wildlife are discussed throughout Section 4.4-Biological Resources Impacts.

1 left out there in the desert what was really out
2 there, I still go out, I'll bring that up a little
3 later on. Anyhow, I'm a member of the Colorado
4 River Indian Tribe Arizona.

5 MR. ROSS: Thank you very much. Thank you for
6 coming and I'll introduce the BLM staff here. Greg
7 Helseth is the project manager for Searchlight Wind
8 Energy project. Greg will be providing about a 20
9 minute presentation on the project before we get
10 into your testimony, your comments. Stephanie Locke
11 is representing our contractors for the
12 environmental impact statement, and Stephanie will
13 be facilitating our meeting tonight. And we'll get
14 into the presentation real quick. But, once again,
15 your comments are very critical to this
16 environmental review of this project, and we do look
17 forward to hearing from you. We take your comments
18 very seriously and BLM will respond to each and
19 every contact in the final EIS. I don't know, it's
20 going to take us too long to set up for this
21 meeting, I think I'll turn it over to Greg. And
22 after Greg, Stephanie will go through some rules in
23 terms of how we'll conduct the rest of the hearing
24 tonight. So thank you.

25 MR. HELSETH: Thank you very much, Bob. Can

1 everyone hear me? Okay. I don't need the
2 microphone necessarily. Thank you everyone for
3 showing up this evening. We're here on February
4 21st, it's our first meeting on this project for the
5 Searchlight Wind, LLC project about wind turbines.

6 What is the proposed project. It's
7 approximately 200 megawatts of wind energy from
8 Searchlight Wind Energy, LLC, a wholly owned
9 subsidiary of Duke Energy.

10 The project will provide electricity to power
11 approximately 50,000 homes. An inter connect
12 switching station proposed by Western Air Power
13 Administrators would send that power to the grid.
14 The project is located in Searchlight. The yellow
15 square here is the town of Searchlight. The red,
16 the area in red is the proposed boundary or the
17 application boundary. I know it's a little hard to
18 see, if you can't see it up front or in the back.
19 Basically Las Vegas is right here. We're down in
20 here, and that is the town of Searchlight. It's
21 basically if it's going to be approved, it would be
22 163 acres. That red area is about 19,000 acres. So
23 you have from an application boundary and there from
24 there we pared down to what the actual turbines
25 where the area potentially affects. The land has

1 been segregated for mineral entry. We do this
2 because if there is a mining claim put on the site
3 during the application process, the mining claim
4 would have the right of way. So we segregate the
5 land for mineral entry so that any mineral --
6 basically that means for two years somebody couldn't
7 put in an application for applying for minerals in
8 that area in the red that I showed you back in here.
9 So basically the area here in the red is the area
10 that I'm talking about that has been segregated for
11 mineral entry. It has to do with connection to
12 processing the right of way application and it's
13 only temporary segregation.

14 So what laws authorize the Bureau of Land
15 Management to grant right of ways. Those would be
16 the Federal Land Policy Management Act of 1976.
17 Some information there, Section 211 of the Energy
18 Policy Act 2005, there is a secretarial order 3283
19 enhancing renewable energy on public lands. Those
20 are some of the things we have to work for for
21 processing this application. So we're considering
22 this project because we're responding to an
23 application from Searchlight Wind Energy, LLC and
24 Western Area Power for a substation. They were
25 directed by the Federal Land Policy Management Act

1 to manage the lands on federal managed lands on
2 federal land for multiple uses. The Energy Policy
3 Act that I mentioned previously, it's a secretarial
4 order, the secretary of the interior has put out an
5 order saying he would like to see 10,000 megawatts
6 by the year 2015. So that is megawatts of renewable
7 energy non-hydro, so wind solar, geothermal, those
8 would all fall into that category.

9 So what is the decision to be made. The BLM
10 will decide whether or not to approve this right of
11 way application. As Bob mentioned earlier, we have
12 not made a decision on this application. If
13 approved, the BLM will also include mandatory
14 stipulations in the right of way grant. Those are
15 things that we would like to see done, mitigation,
16 stuff like that for specific parts of the project if
17 it's approved.

18 So what are the project components. There are
19 up to 96 wind turbine generators including the
20 concrete foundations, the underground electrical,
21 communication system and two electrical substations
22 with 8.7 miles of overhead transmission lines. When
23 the project originally started in 2008 when the
24 application came in, the application was actually
25 for 161 wind turbines, but during the time of

1 scoping there was a lot of people that were
2 concerned with that number of turbines, so it was
3 pared down to 141. And then that number was pared
4 down to what we have down today, either the 96
5 alternative, the 87 alternative or no action
6 alternative. So some more components of what we're
7 looking at is up to four meteorological towers. You
8 may have seen meteorological towers. They are about
9 198 feet tall. They have some guide wires. Those
10 have been up for three years measuring the wind
11 telling Wind Energy whether or not they have a good
12 resource. So those are currently up. They would
13 stay in the configuration if the project was built
14 as continuous monitoring devices as part of the
15 project. So it would be wrapped into the project.
16 Of course, there would be the need for operation and
17 maintenance building and access roads to get in and
18 out to the turbines.

19 What does a typical wind turbine look like for
20 this project? The applicant is selecting the
21 Siemens 2.3. Those are roughly 427 feet. When you
22 take the tip of the blade from the very, very top of
23 the blade to the ground, it's about 427 feet. It's
24 got a 331 rotor swept area and just to the nasal --
25 the nasal you're looking at 262 feet. So those are

1 basically the height of the typical turbine. What
2 you would have here is the typical wave that way
3 that the turbines are installed. First they
4 excavate down and then they put in the rebar and get
5 ready for concrete pour, and then they do a concrete
6 pour leaving the center cap up, and then they
7 reclaimate [sic] the area back so that it basically
8 they backfill over the top of this. So this is all
9 below ground for kind of the base so that this has
10 good support. Also, included are a couple of lay
11 down areas. Those are just for staging and building
12 kind of go together like erector sets. The concrete
13 batch plant is for concrete making the concrete,
14 like I mentioned before, and getting it to the site
15 and portable rock crushers is making for aggregate
16 and fill. Any rock that is extra would be left on
17 site and then they would work with the minerals
18 group as to what to do with any of that rock. But
19 no rock would come off site.

20 So all the alternatives that are being
21 considered again are the 96, the 87 and no action
22 alternative. First map shows us the 96 alternative.
23 So here is the town of Searchlight. Here is a
24 cluster of turbines, some here and out here, this is
25 Cottonwood Cove, that goes to Lake Mahog down here,

1 and there is the Lake Mead National Recreation area.
2 And then this is the road that -- so Laughlin is
3 down here, but here is the road that comes up
4 through Searchlight. That is the first alternative
5 that we're looking at.

6 The second alternative looks very similar to
7 the first but it has less turbines so it has less of
8 an impact, less footprint, a lower impact footprint.
9 Most of the difference is right in this area of
10 where some of those turbines have been taken out.
11 So 87 and 96 you're only talking, what, nine
12 turbines there, but it is a reasonable alternative
13 for that.

14 Of course, the no action alternative is
15 possible where the BLM could select a no action,
16 meaning that basically we don't want to select the
17 project, there is too many environmental hazards.
18 So the right of way applications were received for
19 the Searchlight area. The area contains good to
20 excellent wind resources. The area is close to
21 existing transmission lines and the area topography
22 is suitable for wind turbine generators, so it's
23 really hilly. It does not suit well for solar,
24 because then you would have to go up and down and
25 shadows. So just this kind of topography is good

1 for a wind turbine site.

2 So concerns that were raised during the public

3 scoping meeting are some water supply issues and

4 these are some pages where we're going to find a lot

5 of that resource data. So back in scoping when we

6 did scoping, if you're interested in visual impacts,

7 you would find them around page 461. Basically this

8 just pretty much what this slide is for to tell you

9 where you can find that information on that stuff.

10 What we're in is in the NEPA process, this is really

11 right about where we're at. So this is why we

12 started back in 2008, 2009. We got those comments.

13 And then the applicant did a lengthy study for an

14 inter connect between Nevada Energy and Western

15 Power. And after we came back after that inner

16 connect study, we got the DEIS ready. We were able

17 to get the information together and we're right here

18 in the public meetings of this product came out on

19 the 20th of January. We'll take comments right up

20 until the 18th of April. If you have a comment and

21 just so long as it's postmarked by the 18th of

22 April, we'll still take that comment. After we get

23 through this process on the 12th, we're going to

24 move into what we call the FEIS. That is the final

25 environmental impact statement. What you have

1 before you today is the Draft Environmental Impact
2 Statement. Once we get a final done, there is a
3 little bit of time in between here where we
4 eventually reach a recorded decision, and that would
5 be signed by the secretary of interior, as I
6 mentioned earlier. So I want to thank you for your
7 attention. I'm going to turn it over to Stephanie
8 and the public comment period will begin shortly.

9 MS. LOCKE: As Bob said before, my name is
10 Stephanie Locke. And does anybody have any trouble
11 hearing me, because that would be the first time
12 ever. And, don't worry, I'm going to go over how
13 the rest of this meeting is going to go and we'll
14 have plenty of time. If you didn't fill out a
15 speaker registration card and you would like to
16 choose to speak, you're going to have time to do
17 that tonight. So this portion of the meeting that
18 we're moving into is to receive your comments. The
19 BLM wants to hear them. The floor will be yours and
20 each commenter will have three minutes to speak. I
21 have my colleague right here is Andy. I was going
22 to say my coworker but he's my colleague. Andy's
23 going to help us out and there will be a timer on
24 the screen that will flash three minutes. He has a
25 couple of cards, a green card that will be your

1 first two minutes of speaking, a yellow card which
2 just let's you know you have a minute left, and then
3 a red card when your time has been exceeded.

4 The BIM will not be answering questions during
5 this portion of the meeting. This is your portion
6 to make your comment. You can ask a question but
7 that question will be addressed in the final
8 environmental impact statement. If you wish to make
9 a comment during this meeting, there is a speaker
10 request card that you need to fill out. I have
11 three here, so we're going to have three people
12 speak first. If you choose, if you have just
13 decided that maybe, hey, I want to speak, just go to
14 the back table and fill out a card and one of my
15 coworkers or colleagues will run that right up to
16 me. Elected officials, I don't think we have any
17 elected officials here today, we'll go in the order
18 of the cards that we receive. Please be respectful
19 and courteous to everybody. They may have
20 difference of opinions. That is fine. This is the
21 purpose of this meeting is to get everybody's
22 opinion, okay.

23 Staff will be available after this portion of
24 the meeting if the comment period doesn't go too
25 long, and they can answer questions directly at that

1 time. As Greg and Bob said, written comments need
2 to be postmarked and to the BLM if you're sending
3 them by snail mail. If you're answering them
4 on-line, you can send them right on April 18th.
5 Just to let you know, there is some information on
6 the back sign-in table that directs -- that gives
7 you ways to comment so you can e-mail the BLM. You
8 can fill out a comment card and fax it in. You can
9 fill out a comment card and leave it here at the
10 meeting today, and you can fill out a comment card
11 and mail it in. All right. At this time let's take
12 a short two minute break. If anybody would like to
13 fill out a speaker registration card and has not
14 already done so, please go to the back table. I'm
15 going to organize these cards and then we'll start
16 with the comment portion.

17 (Short break.)

18 MS. LOCKE: Okay. Ladies and gentlemen --
19 Sean, did anybody else fill out an additional
20 speaker card?

21 UNIDENTIFIED SPEAKER: Not at this point.

22 MS. LOCKE: Also, I would like to mention, if
23 you do not wish to make your comment in front of
24 this group, we have a court reporter at the back of
25 the room here and she'll be happy to take your

1 comment during this portion of the meeting if you're
2 quiet. And then after this portion of the meeting,
3 of course, you can make your comment in private as
4 well, okay. And with that, Mr. Thomas Casey. And
5 just give me a minute so you get your full amount of
6 time and the podium is yours.

7 MR. CASEY: Thomas Casey. I tried my end to
8 keep this to three minutes. I'll run over. I want
9 to address my comments around the Lake Mead National
10 Recreation. Decades ago the land around the two new
11 reservoirs, Lake Mead and Lake Mojave were given to
12 the National Park Service to preserve, protect and
13 provide recreational opportunities for generations
14 to come, hopefully for many more yet to come.
15 Opportunities here include boating, houseboating,
16 fishing, hiking, camping, backpacking, bird
17 watching, hunting, back country exploration via off
18 road vehicle for those who would seek rest from
19 their busy world, a wilderness experience in this
20 stark but beautiful desert environment is available
21 here, and many do seek such an experience, 300,000
22 visitors a year by the report. And that's just at
23 Cottonwood Cove and the lake side slash water side
24 desert experience is much different outside the Lake
25 Mead National Recreation area we have. And nowhere

The potential impacts identified in the comment are described in the EIS in the following sections: Section 4.12-Socioeconomic Impacts Section 4.9-Visual Resources Impacts, and Section 4.11-Recreation Impacts.

1 is that more evident in Laughlin, Nevada. Just
2 south of the Lake Mead National Recreation Boundary,
3 I think a lot about Lake Havasu not far that stream,
4 what a desert lake experience that is. Then what we
5 have here in the Lake Mead National Recreation area
6 on Lake Mead and Lake Mojave, it is different here.
7 It is a special place in the Lake Mead National
8 Recreation area. And the National Park Service is
9 here to keep it that way and preserve what those
10 with great foresight have given us. Now comes an
11 energy development project, massive heavy industry
12 to be built on the lands directly adjacent to the
13 national recreation area, indeed, on its most
14 eastern boundary of the project would start one and
15 a half miles uphill from the entrance station on
16 Cottonwood Cove Road. Every time I would leave
17 Cottonwood Cove I would get to -- I would get to
18 stare at those -- these towers 427 and a half feet
19 tall, the transmission towers now in place six or
20 nine of them on one side of the road, 11 or 15 on
21 the other in the hill above and just over the hill.
22 And no more would I boat on Lake Mojave from
23 Cottonwood Cove or up lake from Katherine's Landing
24 from this direction from the south and not see the
25 hand of man on the skyline to the west. And in

1 those on that skyline in the Eldorado Mountain hills
2 dozen of these towers would be visible. And by the
3 way, at night, too, all these towers, every one of
4 them would be appropriately marked with FAA lighting
5 beacons for aviation safety.

6 MS. LOCKE: Thank you for your comment. Next
7 I would like to call Ronald Van Fleet.

8 MR. VAN FLEET: Ronald Van Fleet, Senior, Fort
9 Mojave Tribe. Just like to say that we're very
10 disturbed at this time as tribal member speaking for
11 Timothy Williams, we've gone through this over and
12 over again that the tribe was not invited to this
13 meeting. The tribe was not notified. 2008, yes,
14 they did a survey of the area. They weren't told
15 what was being built at that time. That is a sacred
16 area. There are villages that are in that area, I
17 think would run into the same problems we run in now
18 with the Genesis project down in Blythe where they
19 had to shut down. We're in litigation. Somebody is
20 going to make some money here. From the tribes with
21 the tribes, you know, that was contacted by another
22 person, another group that this was happening here
23 today and tomorrow up in Searchlight, you know,
24 there are artifacts. Just because we're on the Fort
25 Mojave tribe, we're not just allocated to that

The BLM consultation for Searchlight Wind Energy Project was formally initiated via letter correspondence on December 17, 2009. Letters were sent to the Chemehuevi Indian Tribe, the Colorado River Indian Tribes, the Fort Mojave Indian Tribe, the Las Vegas Paiute Tribe, the Moapa Band of Paiutes, the Pahrump Paiute Tribe, the Hualapai Tribe, and the Fort Yuma-Quechan Tribe. At the time the DEIS was prepared, Tribal consultation was still underway. The Final EIS summarizes the consultation that was completed and the tribal comments that were received after the DEIS was written.

1 reservation boundary. Reservation boundaries do not
2 hold us to that land right there. We go from the
3 river to the ocean and to the ocean that way and as
4 far as up here up to Las Vegas, I guess in that
5 area. But my people come from Cottonwood. My
6 relatives come from Cottonwood. This is home, this
7 area you're talking about. And I've been following
8 spiritual running. We did spiritual running to
9 Ivanpah, from Ivanpah to Spirit Mountain, the spirit
10 trails run down this valley run through this valley
11 into Spirit Mountain into five, six, seven different
12 tribes honor that mountain right their, spirit
13 mountain right here Chemehuevi, and we're greatly
14 disappointed. And, you know, it's coming like a
15 landslide all the wind towers, the solar generators
16 I think the cultural depth right now they are in
17 Palm Springs the tribes are coming together with the
18 federal government so we can put all of our sacred
19 sites on the map so we can work with you. Yes, we
20 have some project on our reservation. Yes, we're
21 looking for wind power on our reservations but not
22 on pristine desert floor not -- you know, those wind
23 mills, they kill bats right where do they get the
24 DT's, the pressure from the blades will kill the
25 bats. And when you kill the bats, you cut off the

Comment noted. Impacts to bats are addressed in Section 4.4-
Biological Resources Management.

1 cycle of life there. You don't have no bats, you
2 don't pollinate the trees. And if this is a
3 recreation area, then, you know, what are you going
4 to do with the cottonwoods? What about the trees on
5 the lake? The bats are pollinators. They pollinate
6 everything and that is just only one that Palm
7 Springs, there is like 300 birds a day that they
8 find from the wind tower with the Sierra clubs about
9 a month ago. You know, it's just not a good deal.
10 We need to research it maybe a little bit more.
11 Thank you.

12 MS. LOCKE: Thank you for your comment. Next
13 is Phillip Smith.

14 MR. SMITH: My name is Phillip Smith, member
15 of the Colorado River Indian Tribe, Parker, Arizona.
16 And I'm Chemehuevi. We're all up in area all around
17 the desert Barstow down to Palo Verde all the way to
18 Vegas Paiutes Chemehuevi Southern Paiutes. We have
19 a lot of them up that way. And my concern we're
20 talking about down here, yes, I was invited by the
21 BLM which Shoshones and Paiutes and what the other
22 tribes were at the Searchlight area when this first
23 came about, but we were only shown the towers out
24 there and talked a little bit about the towers and
25 talked about the other windmills that had come in.

1 We were never on the field trip. I don't call it a
2 field trip. We asked about anybody doing any
3 studies on the cultural sites. Yes, could you show
4 us, well, the guy's on vacation now. So I don't
5 know where they are at. So there you go, a lack of
6 input. And since the summer heat was coming up,
7 this was not a finished job; however, we're finding
8 back and get to learn about some of these areas. I
9 went out myself, seen the trail out there, seen
10 turtle burrows out there. And I started to learn
11 about the earth because we're from the area, the
12 eagles, the eagles that is a little north of here
13 and the sighting of a California Condor coming into
14 this, the area, unconfirmed sightings, you put these
15 big wind mills in there, what is the harm going to
16 be to the eagles or these other things. And
17 trenches for the turbines, you have also animals
18 underground and for native people the animals can't
19 speak for them self. They can't protect themselves.
20 What about us? We just going to, what, just
21 diminish them. No. Indian people don't look at it
22 that way. These things are put out in the desert by
23 the creator. He created the one that put these out
24 in the desert. That's where it is to be all of
25 these things. I know there is sites that cultural

Comment noted. Impacts to wildlife are discussed throughout Section 4.4-Biological Resources Impacts.

The BLM consultation for Searchlight Wind Energy Project was formally initiated via letter correspondence on December 17, 2009. Letters were sent to the Chemehuevi Indian Tribe, the Colorado River Indian Tribes, the Fort Mojave Indian Tribe, the Las Vegas Paiute Tribe, the Moapa Band of Paiutes, the Pahrump Paiute Tribe, the Hualapai Tribe, and the Fort Yuma-Quechan Tribe. At the time the DEIS was prepared, Tribal consultation was still underway. The Final EIS summarizes the consultation that was completed and the tribal comments that were received after the DEIS was written.

This project has been designated a priority project by the BLM.

The project plan of development describes two potential sources for the concrete necessary for WTG foundations; 1) purchasing it ready made and transported to the site, or 2) operating an on-site batching plant. If the former option is chosen, then the water for the mix would likely originate from a commercial concrete vendor. As there are no existing commercial ready-mix concrete companies in either of the three subject basins, the concrete would probably originate in Las Vegas Valley. If the on-site plant option is selected, then water for the mix would have to either be purchased from SWS, LVVWD, or be purchased from a willing seller.

1 sites in the area and going to go out there and
2 re-find them over again and don't like the idea that
3 tribes were not really invited. They might say,
4 yes, they were. You can't name what single tribe
5 that put an input on this. I can count on that
6 today, there is not one single tribe that put an
7 input on the areas there because they are not
8 properly contact, don't go to the tribe and meet
9 with the tribe at their areas because this is
10 government. The government the way you're doing it
11 is not government to government the way I look at it
12 and the rest of us. I see my time running short. I
13 also want to know if this is another one of Obama's
14 fast track project.

15 MS. LOCKE: Thank you for your comment.

16 MR. BUNDORF: My name is Wayne Bundorf. I
17 live in Henderson, Nevada. I also have a home in
18 the desert off the grid and this is really
19 surprising to me that we like visualize what is
20 going to happen there. I think that Cottonwood Cove
21 will be kind of wiped off the map and let me tell
22 you why, because it's a 14 mile trip in and back.
23 The trucks which will have lots of trucks. I read
24 in this in the report here 300 cubic yards of
25 concrete. Each foundation would require

1 approximately 300 yards of concrete. Now, when you
2 dig in a hard rock area, it's hard to dig the hole
3 just right and in here it's also mentioned possibly
4 engineered blasting. This means dynamite. And this
5 300 yards may change. We'll say it doesn't change
6 just for we got approximately somewhere between 87
7 and 97, we'll say there is 90 wind generators built
8 300 yards at 27,000 square yard cubic yards of
9 concrete. Where does the water come from? These
10 trucks going in and out if the batch plan is set up
11 on the hill, they go down the hill, they come back
12 up. People traveling there the road is supposed to
13 be 36 feet wide. The most dangerous thing we could
14 is drive in our car and the speed of the trucks will
15 be approximately 15, 20 miles an hour going down the
16 hill or coming up the hill, maybe less. The people
17 are used to driving about 45 on that road and this
18 will I think just prevent them from the front end of
19 going down there. They won't fight the traffic if
20 there is an accident. It can happen especially with
21 a job this size and roads blocked and they are down
22 there, then they can't get out. So this all runs
23 through their mind. Is there some place else they
24 can go, yes. They will go to another, they will go
25 to the Lake Mead National Recreation or come down

A Traffic Management Plan (MM-TRAN-1) would be prepared to address effects on local traffic. The Plan would include the following element: To minimize the effects on local and Lake Mead traffic the Transportation Plan will mandate the use of flagmen or escort vehicles to control and direct traffic flow, and provide schedules that show roadway work will be done during periods of minimum traffic flow. The Traffic Management Plan also includes making provision for access for emergency vehicles. The Traffic Management Plan would be a stipulation of the ROW Grant.

Comment noted. Impacts to wildlife are discussed throughout Section 4.4-Biological Resources Impacts.

1 here because maybe it's their day off, who knows.
2 That is just one part of the trucks, the concrete.
3 The towers from what I've seen on the road, the
4 towers there are three pieces, there is three more
5 trucks. The blades they have double trailers that
6 haul them. They are over 100 feet long and you can
7 just picture the road is up at the top there is a
8 very sharp curve and then it comes down. I don't
9 know whether they are going to cut straight road
10 down the hill or what is going to happen, but the
11 blades are a big problem. And people will pass
12 because they don't want to go 15 miles an hour and
13 that is where we run into the possibility of
14 accidents. Also, the generator itself is hauled in
15 by trailer. Some of the machinery is giant coming
16 in there. So there is a whole lot of things that
17 I'm not covering. Rattle snakes, you should have
18 some help if you get bit down there, because when
19 you start grading they are going to dig them up.
20 The rats are another thing. The desert is full of
21 pack rat nests and they are going to come to town as
22 soon as they hear you coming. Thank you.

23 MS. LOCKE: Thank you for your comment.

24 MS. BUNDORF: Judy Bundorf. One of my
25 concerns is this is advertised as a 200 megawatt

The proposed facility has a 200 MW design capacity. The proposed action is to construct eighty-seven 2.3 MW WTGs or $87 \times 2.3 = 200.1$ MW.

1 generating station or farm and that's the name plate
2 rating. Everything I read says that you'll be lucky
3 to get 30 percent of that number. So it will not
4 serve the 60,000 houses or whatever. It will serve
5 one third of that. Has there been any geology
6 testing, any drilling, any trenching? Because I'm
7 guessing that that granitic rock out there will be a
8 real challenge. And number three, I guess the
9 answer was, no, is there a power purchase agreement
10 between Searchlight Wind, LLC and any utility
11 company? And if there's not a power purchase
12 agreement, why would we do this? Thank you.

13 MS. LOCKE: Thank you for your comment, Sean,
14 was there any other speakers? Okay. At this time
15 we have time left in the meeting, so the BLM
16 specialist will be available to answer questions or
17 talk to you. If you feel like you did not get your
18 entire comment in your three minutes, there will be
19 the court reporter in the back of the room and this
20 court reporter will also be available. So you are
21 welcome to speak to either one of them to finish
22 your comment. Okay. At this time, Bob, would you
23 like to adjourn the meeting?

24 MR. ROSS: Thank you again for coming. Your
25 comments are very important to us. I do have

The existing Geological environment was presented in EIS Section 3.1-
Geology, Soils, and Minerals. Geotechnical testing would be conducted
at each WTG location prior to construction.

The Applicant does not have a current power purchase agreement. They
have submitted an application for a ROW to BLM who is required to
process the application in accordance with BLM, FLPMA and NEPA
requirements.

1 business cards and I do respond to e-mail questions
2 and feel free to call me on the telephone at office
3 and Greg is also available to respond to comments
4 and thank you again very much. We'll be here and
5 available to talk with you as well, so thank you.

6 * * * * *

7
8 Attest: Full, true, accurate transcript of
9 proceedings.

10

11

12 ANGELA CAMPAGNA,
CCR #495

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Searchlight Meeting Transcripts

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REPORTER'S TRANSCRIPT
OF
PROPOSED SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC MEETINGS

Held at Searchlight Community Center
200 Michael Wendell Way
Cottonwood Cove
Searchlight, Nevada

Wednesday, February 22, 2012
6:00 p.m.

Reported by: Angela Campagna, CCR #495

1 IN ATTENDANCE:
2 MARY JO RUGWELL
District Manager for the Southern Nevada District
3 Bureau of Land Management
4 ROBERT B. ROSS, JR.
Field Manager
5 Bureau of Land Management
6 GREGORY L. HELSETH
Renewable Energy Project Manager
7 Bureau of Land Management
8 STEPHANIE LOCKE
Senior Environmental Scientist
9 New Fields

10
11 PUBLIC COMMENTS BY

12 JOHN WEAVER
LAURA CUNNINGHAM
13 ELLEN ROSS
WAYNE BUNDORF
14 JON PALMER
ELEANOR SHOOK
KEVIN EMMERICIA
15 BRUCE DOBBIE
VERLIE DOING
16 KIMBERLY MCCOLERY

1 FEBRUARY 23, 2010

2 SEARCHLIGHT, NEVADA

3 * * * * *

4 MS. LOCKE: Good evening everybody. We're
5 going to start the program in just a second. Can
6 everybody hear me clearly in the back? Little
7 louder, okay.

8 MR. ROSS: Welcome everybody. I'm Bob Ross.
9 I'm the field manager for the BLM Las Vegas field
10 office. Thank you for coming tonight and welcome to
11 tonight's public meeting on the draft environmental
12 impact statement for the Searchlight Wind Energy
13 project.

14 This portion of the meeting is your
15 opportunity to provide formal comments on the record
16 to the Bureau of Land Management. I want to make it
17 very clear that your comments are very important to
18 the BLM. We have not made a decision on this
19 project yet. So the public comment period on this
20 draft environmental impact statement will continue
21 until April the 18th. So you want your comments to
22 be postmarked by that date and but your comments
23 will be very helpful to us in making a decision on
24 this project. And, in fact, we'll respond to every
25 one of your comments in the final environmental

1 impact statement.

2 And the format of tonight's meeting is we have
3 a short presentation and then we'll kind of go over
4 some of the rules for the public comment period and
5 your testimony and your opportunity to comment to
6 us. And then we'll get right into your comments.

7 First I want to make some introductions. I
8 don't think there are any elected officials or
9 representatives of elected officials tonight. I did
10 want to recognize any that might be here. Not
11 seeing any, we'll kind of go on. We'll do some BLM
12 introductions. I want to introduce my supervisor,
13 Mary Joe Rugwell. And Mary Jo is the district
14 manager for the Southern Nevada District office in
15 my field office, Las Vegas field office is part of
16 that district and these lands here are BLM
17 administered lands that we both administer. Also
18 with me is Greg Helseth, and Greg is the project
19 manager for this environmental impact statement.
20 Stephanie Locke is our contractor for the
21 environmental impact statement, and Stephanie will
22 also be facilitating the meeting tonight and calling
23 people up to provide testimony.

24 So, once again, your comments are extremely
25 important to us. We have not made a decision and

1 really what you have to say to us tonight will be
2 carefully listened to and be very important for our
3 process. If you haven't turned off your cell phones
4 yet, please do that just out of respect to everyone.
5 And with that, I'm going to turn it over to Greg
6 Helseth who will do our presentation.

7 UNIDENTIFIED WOMAN: I want to make a comment.
8 He asked about elected officials. I'm very proud of
9 my brother. We do have one elected official. This
10 is Judge Hill. He's the judge here in Searchlight.

11 MR. ROSS: Okay. Judge, thank you.

12 MR. HELSETH: Okay. Can everybody hear me all
13 right? All right. My name is Greg Helseth on the
14 Wind Energy project manager for the Southern Nevada
15 district for the BLM. We're going to go ahead and
16 get started with our presentation here on the draft
17 environmental impact statement. We're in our second
18 public meeting. Last night we were in Laughlin, so
19 tonight here, tomorrow we're in Boulder City. So
20 we're going -- we'll go ahead and get started.

21 So what is the proposed project. It's
22 approximately it's a proposed approximate 200
23 megawatt wind energy facility by Searchlight Wind
24 Energy, LLC which is a wholly owned subsidiary of
25 Duke Energy. This project will provide electricity

1 to approximately 50,000 homes. Is this thing
2 cutting out? The project will produce electricity
3 to about approximately 50,000 homes. There would be
4 a switching station so the turbines produce -- is
5 this going to be all right? Yeah, okay. Feel so
6 much better. So the turbines would produce the
7 energy. They would send that energy through
8 underground cables to substations. From there the
9 substations would carry the power with overhead
10 transmission to the interconnect station. The
11 interconnect station would capture the power and put
12 on the lines, the Western Area Power lines that you
13 see south of Cottonwood Cove there.

14 So where is the project located. We're right
15 here in this yellow square. That is Searchlight.
16 The project application boundary is that red area,
17 looks like a pretty large area, that is -- you're
18 correct. That is about 19,000 acres. If the
19 project is approved, that the project actual acreage
20 of the project would be 163 acres combined. So that
21 is roads, pads, turbines, the whole nine yards. So
22 the rest of the land would be returned back to the
23 BLM just to make that clear.

24 We'll take comments right after the
25 presentation. Thank you. This land has been

1 segregated for mineral entry. What we've had in the
2 past is while we're doing these applications for
3 renewable energy, we've had mining claims filed on
4 the site, so we segregated the land for mineral
5 entry for two years only while we have time to do
6 the studies to look at what this is about and then
7 to come up with a final decision. So once there is
8 a decision made on this project with recorded
9 decision, it goes to a right of way grid, the
10 mineral station would be lifted or at two years it
11 would be lifted, whichever comes first. So just
12 letting you guys know.

13 What laws authorize the BLM to grant right of
14 ways. We've got the Federal Land Policy Act. We've
15 got Section 211 of the Energy Policy Act and we've
16 got the Secretarial Order 3283. Just had to look at
17 it because numbers are jumbled up. Those are the
18 laws that authorize the BLM.

19 So what is the BLM considering here. We're
20 responding to an application submitted by
21 Searchlight Wind, LLC. We are directed, we have
22 direction from the Federal Land Policy Act and we
23 have a Secretarial Order that I mentioned, 3283, the
24 secretary of interior wants to see at least 10,000
25 megawatts of renewable energy, non-hydro, by the

1 year 2015 in the United States. So non-hydro
2 electric renewable electricity, wind, solar,
3 geothermal, those are the four that would constitute
4 for that category.

5 So what is the decision to be made. The BLM
6 will either decide to approve the right of way
7 grant or not approve the right of way grant. It's
8 pretty much the decision that we have. If we do
9 approve the right of way grant comes with
10 stipulations. Those stipulations would be things
11 like reclamation of roads, replanning, replanting
12 vegetation, any color pallet decisions that need to
13 be taken care of. There is tortoise mitigation
14 fees. There is a lot of different things that could
15 come with a right of way grant. You would have to
16 meet all of those stipulations before you get what
17 is called a notice to proceed. So first you would
18 have a recorded decision and then you would have a
19 right of way grant. You would have stipulations at
20 the very end, you get what is called a notice to
21 proceed. The notice to proceed is what gives you
22 permission to go ahead and do what it is that we
23 granted, if we grant it.

24 So the project components are either 96
25 turbines underground, electrical collection systems,

1 a couple of substations, 8.7 miles of overhead brand
2 new transmission line. I mentioned all of that
3 prior. A switching station by Western Area Power is
4 down on Cottonwood Cove. That is by the entrance
5 station of the park service. You probably seen the
6 new entrance station down Cottonwood Cove, if you
7 traveled that way. And they would be permitted also
8 up to four meteorological towers. Currently there
9 is three towers up in this area. There is a couple
10 when you go down to the lake you would see one on
11 the left, see one on the right, and then there is
12 one far south of town. They are about 198 feet tall
13 and those are for collecting wind data. They have
14 been up for close to three years now or a little bit
15 longer than three years. And what they do is they
16 give the applicant the data they need to see if
17 there is a good wind resource here. Operation
18 maintenance building, obviously, and some access
19 roads like I mentioned. Were you able to see all
20 right? Okay.

21 So a typical turbine generator for this
22 project, typical turbine generator would be the
23 Siemens 2.3. There is different companies that make
24 wind turbines. GE is a manufacturer. Siemens is a
25 manufacturer. Vestel is a manufacturer. The

1 applicant in this case is looking at the Siemens
2 2.3. That is what they mentioned in the DEIS. That
3 model is 427 feet tall from the tip of the blade to
4 the ground. Up to the tip of the nasal it's 262
5 feet tall and a rotor swept diameter is 331 feet.
6 Typically when turbines are constructed they need to
7 clear or excavate out about a 40 foot area and
8 that's filled with rebar for reenforcement, and they
9 pour the concrete in there and then they reclamate
10 [sic] over the top or they backfill over the top so
11 all they have left is a stub sticking out at the
12 top. And these come in erector set kind of fashion.

13 The first part would be this part right here
14 up to about halfway and that is what goes on that
15 base right there where all those bolts are. So
16 basically it sets down, they put big bolts on it and
17 that is how they are constructed. The temporary
18 components are some lay down areas because obviously
19 you need to park the equipment somewhere. This also
20 includes the analyzation or we've analyzed lay down
21 areas. We have concrete batch plant that would be
22 needed for making the concrete obviously, and then
23 the portable rock crusher because as you excavate,
24 you come up with rock and you can use that rock for
25 aggregate or to backfill. If there is any left over

1 rock, it does not leave site. They would have to
2 work with our minerals group then to determine
3 whether or not that rock could leave site or if it
4 just stays on site.

5 So the alternatives that are being considered
6 are a 96 and 87 and a no action. If any of you were
7 here back in 2008 when we first started scoping on
8 this project, I think it was December of 2008 maybe.
9 It was, yeah. It was December of 2008. The initial
10 scoping period consisted of 161 wind turbines and
11 then that has since been pared down to 140 which was
12 pared down to 96 and 87. So obviously the wind
13 resource in the area is good for wind turbines, but
14 placement of the wind turbines was partially for the
15 reason and partially for the scoping comment. The
16 reason why those numbers were pared down to what the
17 applicant chose which is 96, 87 and no action
18 alternative. And I might note that the 87 wind
19 turbine is the BLM preferred alternative.

20 This is what the map looks like of 96 wind
21 turbines in the Searchlight area. You have
22 Searchlight there in the white and all those dots
23 are positions of wind turbines with roads and a
24 little blow out pictures. There is also picture,
25 big poster boards of this back here so that people

1 can see, and you can ask questions or whatever later
2 on after the meeting. We can explain the detail and
3 map. So there is the 96.

4 The 87 looks a a lot like the 96. It's only
5 nine turbines fewer, less acreage and most of the
6 turbines that the difference there are down
7 Cottonwood Cove, that is where nine turbines would
8 not be between the alternatives.

9 No action alternative is a possibility. We
10 could deny the application and say there is too many
11 environmental consequences and it's not a viable
12 project. So that is an option for the BLM also.

13 The location is being considered, why is this
14 area being considered. We received an application
15 for the area from the applicant. It has good to
16 excellent resources which is what the data has been
17 saying. The area is close to existing close
18 transmission lines. There is transmission lines
19 over this way and that way. The applicant actually
20 took about a year and did interconnect studies to
21 make sure of where the best lines are for connecting
22 to the power. And think of the transmission lines
23 as freeways and sometimes those lines have enough
24 power, you can't put anymore power on it. So you
25 have to do the interconnect study to figure out

1 which power lines have accessibility or space for
2 your power.

3 And the area topography is suitable for wind
4 turbine generators. There were concerns raised
5 during the public scope, as I mentioned, in 2008,
6 water supply issues, air quality impacts, land use,
7 affects on tourism. Those are the page numbers
8 where you will find that information in the DEIS.
9 We have DEIS hard copies. They have thumb drives,
10 CD's. We have a bunch of knowledgeable people. If
11 you have any questions, we have resource folks in
12 the audience. After this portion of the meeting if
13 anybody has any questions on any particular subject,
14 either this is in the DEIS or one of the specialists
15 can try to answer that as best as possible.

16 So where are we in this process is what we
17 called the natal NEPA process. We're currently
18 we're right there. We might be a little to the left
19 of the arrow, but either way, we're starting at this
20 process. On January 20th of this year we came out
21 with a notice of viability for the DEIS. The actual
22 project started in 2008. Now we're in 2012. We've
23 come out with the DEIS which I told you about back
24 here. Public comments are good until April 18th as
25 Mr. Bob Ross had mentioned previously, they have to

1 be postmarked by that date if you send them into us.
2 They have court reporters today, one in the back, if
3 you want to make a comment in the back or one out
4 here if you want to make comment out here, whatever
5 it takes to get your input on this process.

6 After the public comment period, we analyze
7 those comments, we look at our DEIS, and we start
8 creating a final environmental impact statement.
9 That final environmental impact statement goes
10 through a series of reviews. Again, eventually it
11 gets published with a notice of viability and there
12 is a 30 day window before a recorded decision,
13 whatever that decision may be is produced. Now, in
14 this case with renewable energy project being the
15 secretary of the interior has considered these
16 highly important. So the secretary of interior is
17 signing all records of decisions. So basically the
18 recorded decision goes back to Washington, gets
19 signed and the right of way grant is signed at our
20 district level by Mary Jo and Bob Ross on a right of
21 way grant, if the recorded decision produces a right
22 of way grant. So that is it for the public for my
23 speech. Hopefully I was loud enough and you can
24 hear me and then we'll begin shortly.

25 So Stephanie is going to go over some ground

1 rules and then we'll adjust the podium so that any
2 speaker comes up there, they are addressing their
3 comments here to the BLM, and then we'll go from
4 there. So Stephanie, thank you.

5 MS. LOCKE: I know you guys can hear me
6 without the microphone, right? Okay. We're going
7 to take a little break before we do the comment
8 period. We have to turn the podium around and set
9 up some things. I'm going to tell you how it's
10 going to work.

11 If you would like to make a public comment
12 during this time with the audience listening, you're
13 more than welcome to do so. If you have not done
14 so, please fill out one of these speaker
15 registration cards and you can find those up front
16 with my colleague Sean. And he'll run them up to me
17 and that way we can call your name correctly. We
18 are going to call people in the order that we
19 received these. So if you would like to speak, get
20 them in early. If you would like not to speak in
21 front of everybody but still would like to make a
22 comment on the record, we have a court reporter in
23 the hallway and you can go make your comment to her,
24 and she'll put it down and it will be addressed in
25 the final EIS.

1 Also, to let you know, if you prefer not to
2 make a comment by speaking, we have comment forms
3 and those are also on the front desk with Sean.
4 You're welcome to write your comment down and leave
5 them here or this is handy dandy, you can fold them
6 up, the BLM address is on here, just stick a stamp
7 on there and you can send them to the BLM office.
8 The fax number is on here also. One other thing we
9 have up front is we have the e-mail address so you
10 can e-mail your comment in. And then there is a
11 whole information sheet on ways to get your comment
12 to the BLM. And also stapled to the back of this
13 just for your reference is a couple of FAQ's,
14 frequently asked questions you might have and the
15 answer just in case I know I always forget to ask
16 questions, so that might help.

17 Give me one second to collect my thoughts,
18 okay. So this portion of the meeting is for you to
19 comment. Every commenter who chooses to come up
20 here and address the BLM will have three minutes.
21 This is so everybody has enough time and the same
22 amount of time. In order to ensure that, the BLM
23 will not be answering questions during this portion.
24 All of your questions or comments will be addressed
25 in the final environmental impact statement. I've

1 gone over the rest of these. If you would like to
2 make a comment, please see Sean at the back table.
3 And do we have any elected officials that would like
4 to comment first? We're going so to call the
5 elected officials if they'd like to speak, and then
6 we'll start with the public comments. Please be
7 respectful and courteous. By the way, this
8 microphone does work fine. You just have to get
9 close. But that might be helpful if you're facing
10 them to make your comments. And, like I said,
11 written comments must be postmarked if you're
12 sending them by US Postal Service by April 18th.
13 Okay. So give me a second.

14 One other thing to help you with the three
15 minutes, I have another colleague, Andy. He's the
16 tall gentleman standing back here. He's going to be
17 sitting right in this chair here and he'll help you
18 out with some cards. There is a green card, you
19 have two minutes; yellow card when you have one
20 minute left; and he'll flash a red card when your
21 time is up just to give you -- I know I lose track
22 of how long I talk. Go figure. And also we'll have
23 a timer up on the screen. So give us about five
24 minutes to set everything up and then we'll start
25 taking public comments.

No fencing is proposed for the entire project area, only around the proposed western switching station and O&M facilities. Refer to Section 4.11-Recreation Impacts for a discussion on impacts to recreation.

1 (Short break.)
2 MS. LOCKE: All right. If everybody would
3 take their seats again, we're going to start the
4 comment period. So Mr. John Weaver.
5 MR. WEAVER: My concern is that in the other
6 wind energy generated areas, Palm Springs and
7 Tepachi, they have put eight foot chain link fence
8 with razor wire on top of it. That prevents any
9 accident. I just want to know what they are going
10 to do with the whole acreage. Are they going to
11 close it all down and put chain link fence and razor
12 around it and deny us access?
13 MR. ROSS: Let me reiterate what Stephanie
14 said, this is your time to comment. We can talk to
15 you after the meeting.
16 MR. WEAVER: I'm finished. You answer that,
17 I'm happy.
18 MR. ROSS: I've got cards if you would like to
19 call me or e-mail me too.
20 MR. WEAVER: Thank you.
21 MS. LOCKE: Just to reiterate what Bob said,
22 at this point in time we only have eight speakers,
23 so we should have time left after this public
24 comment period, and there are BLM people here
25 available to answer questions. But as Mr. Weaver

At the time baseline surveys were completed for the project, Nevada had no official policy or protocols for avian pre-project surveys so protocols were developed between BLM and NDOW.

Comment noted. Refer to Chapter 4-Environmental Consequences of the EIS for an evaluation of impacts to environmental resources.

1 just did, we'll answer his questions additionally in
2 the FEIS specifically, okay. Next speaker is Laura
3 Cunningham.

4 MS. CUNNINGHAM: Yeah. I've been following
5 some of the solar power tower projects in California
6 and on some of those teleconferences Wallace service
7 has been asking them to do a minimum of three years
8 of gold and eagle surveys for things that can kill
9 eagles and he's also asking not just to do nest
10 surveys but surveys for what they call floaters that
11 individuals that don't have a territory to come
12 through and also ground point surveys to look for
13 juveniles. So that is just a comment that would be
14 a really good idea to get an idea of what
15 territories are here. Because he pointed out that
16 in inactive nests cannot be used for several years
17 and then they will be used again. So whether or not
18 a nest is inactive may not give the number of
19 territories, so thanks.

20 MS. LOCKE: Thank you for your comment. Ellen
21 Ross.

22 MS. ROSS: Good evening. I am opposed to any
23 wind turbines. I do not want to see that in the
24 Searchlight area. It's an outlying bedroom
25 community of Las Vegas. It's a historic community.

1 It's one of the alternative routes to the Spanish
2 Trail. There are archaeal sites, pictograph sites.
3 It's also the fourth largest park, Lake Mead
4 Recreational area, this Cottonwood Cove is one of
5 the major entries and it's also the entry that most
6 of the Californians take to come down to the river
7 to go boating, hiking, canoeing, fishing, hunting.
8 And they prefer this route from what my real estate
9 clients tell me because they don't have to go into
10 the hubbub of Lake Mead. They like the fact that
11 there is a pristine area. It has not been polluted
12 like Southern California and it is a major draw for
13 people in also the Las Vegas area, point number one.

14 Number two, people want to buy property out
15 here. Wasn't that long ago that the BLM had
16 sections of land that they were going to dispose of
17 because the economy was strong. We've been
18 discussing this, this project four years just as
19 long as this recession is going on. It's not going
20 to help the property values for the people who have
21 already purchased property here. And I'm one of
22 those people along with several of my clients, I
23 like Searchlight, and I do want to live here at some
24 point and have a desert retreat. And right now we
25 have a wind turbine plant 800 feet from the edge of

Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. A literature review on property value impacts has been added in Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

1 my property. And don't tell me that it's justified
2 that you can measure to the center of the mining
3 claim and that the property that goes to the edge of
4 the property doesn't matter. My property is private
5 property just like anybody else, and I'm incensed
6 that the BLM would allow a wind turbine project to
7 be this close to a bedroom community which has so
8 much to offer to Las Vegas and the people in the
9 other regions.

10 The other thing, where is the concern, you
11 talk about desert tortoises. We talk about the
12 birds. What about the communities and the people
13 that live here? I think that people have to come
14 first. If you want to start building solar projects
15 and wind projects, you start your discussions here,
16 not in Washington where it's just a tabled
17 discussion. It's very important that you have
18 respect for these outlying communities. Thank you.

19 MS. LOCKE: Thank you for your comment. Wayne
20 Bunderf.

21 MR. BUNDORF: Good evening. I'm glad she
22 talked about Searchlight, the Cottonwood Cove road.
23 What I would like to talk about is the Oregon trails
24 access to the Gasline Road. We have a gas line
25 there that has been built in the early 60's. I was

Southwest Gas Corporation holds a ROW grant from BLM for an existing gas line within the project area. The grant is non-exclusive, i.e., the BLM reserves the right to authorize other actions within a ROW area for compatible uses. The Applicant will be required to coordinate with Southwest Gas should there be any pipeline crossings, e.g., roads, underground electrical collection systems, etc. The result of the coordination would be a legally binding agreement that such crossings would meet Southwest Gas-provided standards for engineering and applicable material requirements to ensure the safe and continued operation of the gas line.

1 here in 1958. I didn't work on it. I was in the
2 Air Force. It was built in the early 60's. You're
3 going to have heavy trucks pulling double trailers
4 with 100 foot blades cutting into that area. You'll
5 have construction scrapers going across it. If you
6 break a pipe, a gas goes up in the engine
7 compartment, you'll have one of your biggest
8 explosions you can ever dream of. We'll go back to
9 it can happen. It happened on September 11, 2010 in
10 the San Francisco suburb of San Bruno on a Thursday
11 evening. I'll read a small paragraph here. Sudden
12 blast occurred leaving a crater measuring 30 feet in
13 diameter and 15 feet deep. According to one
14 estimate, the explosion fire zone of approximately
15 15 to 20 acres of the neighborhood in flames
16 throughout the evening, and following morning by
17 Friday afternoon reports indicated the blaze was 75
18 percent contained. Reports indicate 35 to 50 homes
19 were completely destroyed and several more severely
20 damaged with some of the injured and critical
21 injured, the death toll from the blast could rise,
22 the death toll was four people killed and 52
23 injured. This should never happen. This to me is
24 -- I am in construction all my life and when you see
25 something is bad, you just don't go there.

The potential impacts identified in the comment are described in the DEIS in the following sections: Section 4.12-Socioeconomic Impacts Section 4.9-Visual Resources Impacts, Section 4.11-Recreation Impacts, and Section 4.10-Noise Impacts. Additionally refer to Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines, which has been added to the EIS.

Refer to Section 4.10-Noise Impacts for a discussion on noise effects. Noise levels would not exceed the Clark County Noise Ordinance at residences.

The BLM has selected the No Action Alternative when evaluating prior NEPA documents.

Comment noted.

1 When these started I asked them will my home
2 depreciate. They said it will be a viewing area.
3 Cars will come here to view. This isn't true.
4 Also, will they make noise. I was told the blades
5 sound like rain drops hitting leaves. This is
6 ridiculous. This between the Cottonwood Cove road
7 situation, the access road over Gasline Road there,
8 it's just not a good plan. The thing with this gas
9 line out here, this local gas line is old, and I
10 don't know how deep it is. The dirt ground I was
11 told in some areas it's very shallow because of the
12 hard rock. So this could happen here. If it does
13 it would be bad. It would be real bad. Very
14 briefly I would say 96 windmills, no 87, no, just no
15 action on this project. And I would like to ask you
16 one question but you won't answer. Have you ever
17 voted no action.
18 MS. RUGWELL: Yes.
19 MR. ROSS: We can talk afterwards.
20 MR. BUNDORF: I'm done. Thank you.
21 MS. LOCKE: Thank you for your comment. Jon
22 Palmer.
23 MR. PALMER: Good evening, Jon Palmer. I'm a
24 resident of Searchlight. In fact, I live right
25 behind us here. I've been coming down to the river

1 for about 30 years and after living in California,
2 retired, decided I wanted to come out here. And I
3 could honestly tell you if there were wind
4 generation out here, I would never have bought
5 property here and totally against this.

6 Next comment, I'm a volunteer firefighter.
7 I'm the fire chief for station 75 Clark County in
8 Searchlight. Past several years Las Vegas Valley
9 Water District has been working to upgrade our water
10 system. Some of our projects though expanded have
11 been cancelled due to funding. We are on limited
12 water supply here and I have made some inquiries
13 into Las Vegas Valley Water about what the needs
14 would be from our public source. And I would like
15 to know what has been done as far as water
16 requirements, where it is coming from and can
17 Searchlight even provide the water to construction
18 and building of this project. Thank you.

19 MS. LOCKE: Thank you for your comment.
20 Eleanor Shook.

21 MS. SHOOK: Eleanor shook. Good evening. My
22 name is Eleanor Shook and I'm on the town board. I
23 have been -- this is my third term, so I have
24 listened to all of this from the very, very
25 beginning. And I left California 16 years ago and I

The Applicant will coordinate with the Las Vegas Valley Water District to support the water needs for the project. If sufficient resources are not available, the Applicant will procure water from local willing sellers.

Comments noted.

1 know Palm Springs area and the wind out there and I
2 know what they have done to Palm Springs. I just
3 was there not more than a year ago. They have
4 destroyed Palm Springs with windmills. Palm Springs
5 used to be the most beautiful green area you could
6 go to in California, lots of golf clubs and golf
7 carts and lots of country clubs. And when I was out
8 there a year ago, the stores have been boarded up.
9 I don't know what has happened to Palm Springs. But
10 as you drive into Palm Springs, they are on both
11 sides of the highways as far as you can see. It's
12 the most awful thing I've ever seen. We moved up
13 here to get out of Orange County, out of the smog,
14 out of the traffic. We bought a boat for that lake,
15 that beautiful lake and from my front porch which is
16 right down the street, I look straight at Spirit
17 Mountain. And the year that we moved up here the
18 indian tribes had trucked out here to Spirit
19 Mountain as kind of a special thing they do now.
20 And then I can't imagine windmills between me and
21 that view. It just can't happen here.

22 I'm not sure who requested it to come to this
23 area. I think I heard you say that somebody
24 requested it. I would like to know who requested
25 it, because I can't imagine in 85,000 acres of open

BLM disclosed that streets could receive wear from equipment and deliveries and has required a mitigation measure to address the effect, specifically: MM TRAN-2: Repair Damaged Streets. Before construction, the Applicant, a BLM representative, and a local representative will document the condition of the access route, noting any preconstruction damage. After construction, any damage to public roads will be repaired to the road's preconstruction condition, as determined by the local representative and BLM.

Comments noted.

1 BLM land in the State of Nevada that you would pick
2 this one tiny little town that is still that is just
3 so beautiful all on its own and the lake right down
4 the road. And if you bring trucks down our little
5 road out here on Cottonwood Cove, its only this wide
6 and they surface it every now and then because the
7 people with boats kind of tear it up, but can you
8 imagine bringing trucks down that road carrying that
9 weight and whatever it is they have in mind, I don't
10 know, but I can't imagine. And I'm just a citizen
11 here, and I don't want them. And I just like that
12 lady back there, I don't want them here in my
13 backyard. That's all. Thank you.

14 MS. LOCKE: Thank you for your comment. Kevin
15 Emmericia.

16 MR. EMMERICIA: Thank you. I'm sorry. I'm
17 having an allergy problem. Bear with me. My name
18 is Kevin Emmericia. We have a small group called
19 basin and range watch and we like to monitor big
20 renewable projects on this. And we're concerned on
21 the impact they have on the environment and small
22 communities like this. First of all, I'll just say
23 I'm disappointed that I didn't see another
24 alternative in there. I would like to request that
25 you have not to just no action alternative, but a no

1 action alternative that designates this area
2 inappropriate for wind energy because it's a
3 visually stunning area. Everybody is saying that
4 this project will be highly visible from not only
5 Lake Mead National Recreation area and local
6 wilderness areas but also in the Mojave National
7 Preservation you will be able to see this both in
8 the daytime and nighttime. Your visual simulations
9 in the draft DEIS are not adequate. They don't have
10 enough contrast to them and they don't really do the
11 negative justice that will actually do to the view
12 of this area that this project will do to the view
13 of this area.

14 I'm also concerned about wildlife. You found
15 a lot of desert tortoises in this area and this is
16 not a solar project. It won't be like the Ivanpah
17 project and totally remove the habitats. The very
18 large road will fragment the habitat and cause
19 invasive like Heron mustard to come in that causes
20 fire hazards and whatnot. That is not good for the
21 wildlife. You found big horn sheep here and this
22 will actually fragment the habitat for them, and
23 over the long period of time people come here to see
24 the wildlife. There is Austrian big bird you found,
25 golden eagle about five miles from the project that

Visual simulations were evaluated at the recommended size; therefore, the contrast ratings were correctly evaluated. BLM visual resources specialists reviewed these evaluations. The visual simulations in the EIS have been updated and scaled to appropriately and accurately compensate for the use of the wide-angled panoramic view.

Comment noted. Impacts to wildlife are discussed in Chapter 4.4-Biological Resources Impacts.

Section 4.12-Socioeconomic Impacts under Economic Impacts address employment effects. Section 4.12-Socioeconomic Impacts has been updated to include a discussion on Impacts on Recreation and Tourism.

1 is going to create a problem for you. You'll have
2 bird kill here and that is going to be sad.

3 So aside from that, I would like to point out
4 what this project will do to the community. They
5 will bring a lot of construction jobs basically from
6 somewhere and it will employ a lot of people for
7 maybe two years. People will go away and you'll
8 have maybe five full-time jobs for this project,
9 maybe five to ten. And is this worth it to do that
10 because somebody like myself, I like to come to the
11 Cottonwood area. It's a beautiful place. I don't
12 think I'm going to come back if they build their
13 project. The view for me is going to be ruined and
14 I don't think I'm going to spend my money in this
15 community. And I think this community has a better
16 future with tourism than it does with the very large
17 wind project. So I'll leave it at that and bear
18 with me with my allergy attack but bye.

19 MS. LOCKE: Thank you for your comment. At
20 this time we have no other participants that filled
21 out a speaker request card. I am going to point out
22 again that we have this court reporter will be
23 available after the session to take your comments.
24 We also have another court reporter in the hall. We
25 do have time left, so BLM staff will be available to

1 answer questions and they are wearing name tags.
2 And I would like to turn it back over to Bob Ross.
3 And if you still would like to make a comment during
4 the rest of this meeting, we can do that, fill out a
5 speaker registration card and let me know.

6 MR. ROSS: Thank you very much for attending,
7 and I do have my cards here and I do answer my
8 e-mails and my phone number is on here as well. And
9 I will be available to talk after -- well, right now
10 and so will the other BLM people. And there is a
11 lot in the back there. We didn't introduce them,
12 but if you have an interest, we can find the right
13 person to answer your question. So thank you again
14 for coming. Your comments are very important to us.
15 April 18th is the deadline and, please, send us
16 every bit of your thoughts and ideas on this
17 project. Thank you very much.

18 MR. DOBBIE: Bruce Dobbie. Well, I am a
19 resident here for the past 12 years. I have been
20 coming to this area primarily for boating purposes.
21 I love the desert. I love this area. It's so clear
22 and clean and wonderful. My big concern is in hard
23 rock country especially putting in these pedestals
24 for these windmill projects, each individual
25 windmill will require 100,000 tons of cement. A lot

The Applicant will coordinate with the Las Vegas Valley Water District to support the water needs for the project. If sufficient resources are not available, the Applicant will procure water from local willing sellers.

1 of water is required. We're not sitting on the
2 Pacific ocean here. These are aquifers. It is
3 limited. And where are they going to get the water?
4 I don't know. But if they take out of this ground
5 here, we're already seeing our aquifers going down
6 as it is over the past 10 years, I've noticed it.

7 Another area of concern of mine is blasting.
8 They are going to have to be doing blasting. This
9 is hard rock mining country. They have to blast to
10 put these pedestals in. They are going to start
11 destroying peoples' homes, damaging windows, God
12 knows what, what other form of damages will be done
13 because of it. I think that is it.

14 MS. DOING: Verlie Doing. We came here in
15 1967, 44 years, developed our family and raised our
16 family and now we're raising great grandchildren.
17 It's a peaceful nice community, wonderful place to
18 live and ideally situated for recreation and
19 everything you can do. We're only since the new
20 highway is in we can get the Searchlight and we do
21 Henderson or Boulder City in 45 minutes on the road.
22 But, anyway, the Cottonwood Cove is the most
23 beautiful spot on the Colorado River and there are
24 more people who come there to fish and they live in
25 the trailers around there.

MM-NOI-1 updated to include that blasting will be limited to 8am to 5pm weekdays only. Areas will be quarantined prior to blast activity.

Comments noted.

Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. A literature review on property value impacts has been added in Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines

1 We built when we first came a very small
2 business here, and after 10 or 12 years we built
3 this Searchlight Nugget that is on the corner as you
4 come into town. And it's just a really good place
5 to live. We have survived the turtle thing through
6 the years and other things that have happened, but
7 this is something that I do not feel that we'll
8 survive. And we've bought a great deal of property
9 here which we have sold at reasonable prices through
10 the years when somebody wanted to live, and we
11 expected that to go on for even my children and
12 grandchildren.

13 Now, I have made up my mind, I have a lot of
14 undeveloped property and I'm not going to pay taxes
15 on that property for three years if the county
16 commission votes for this project, I'm going to give
17 it back to the county. I don't want it anymore. It
18 will not be worth a quarter to people who have come
19 to Searchlight for reasons that they have always
20 come, for peace and quiet and recreation and clean
21 air and nice people. The tax thing is only on the
22 undeveloped property. I have several properties of
23 houses and they are the ones I'm not going to pay
24 taxes on, businesses and that.

25 MR. HELSETH: I will analyze the effects of

1 an unconditional forever, forever will they be able
2 to build on, this kind of thing. Thank you.

3 * * * * *

4

5 Attest: Full, true, accurate transcript of
6 proceedings.

7

8

9 ANGELA CAMPAGNA,
CCR #495

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1 magnetic fields from the turbines in the DEIS and
2 there will be a transcript then. We'll read that
3 transcript and that will be analyzed in the FEIS.

4 MS. MCCOLERY: Kimberly McColery. I have just
5 my main issue is the hazard of, you know, our
6 health, physical, mental, you know, anything that is
7 going to happen, I want to make sure that it's
8 something that is not going to cause health problems
9 later on for my children that will go to be living
10 next to this. When I pass away they get the
11 property. Is this going to, you know, what I mean,
12 years down the road, I want to make sure that stuff
13 like that is not -- also want to know how they
14 decide after the many years that they are going to
15 have this project. Say they are leasing this
16 property for 20 years, how are they going to replace
17 the floral that we lost, you know, the trees,
18 everything. You've got the eagles. We do have
19 them. We have pictures that we have sent to them,
20 sent to him so he knows we do have them. But that
21 is more of my concern. I want to know what is going
22 to happen with the floral. You know, is it going to
23 stay the way it is? How long are they wanting to
24 have this project? You know, are they only leasing
25 it for so long, or are they going to have it, is it

Searchlight Private Comments

1
2 PROPOSED SEARCHLIGHT WIND ENERGY PROJECT
3 DRAFT ENVIRONMENTAL IMPACT STATEMENT
4 PUBLIC MEETING

5
6 Wednesday, February 22, 2012
7 6:00 p.m.

8
9 Held at
10 Searchlight Community Center
11 200 Michael Wendell Way
12 Cottonwood Cove
13 Searchlight, Nevada

14
15 REPORTER'S TRANSCRIPT OF PROCEEDINGS
16 Supplement to Public Meeting Presentation
17 Public Comments Made Privately

I N D E X

PUBLIC COMMENTS MADE PRIVATELY BY:

Ellen Ross

Thomas Casey

Russ Coon

REPORTED BY: DANA J. TAVAGLIONE, RPR, CCR 841

1 LAS VEGAS, NEVADA; THURSDAY, FEBRUARY 22, 2012

2 5:48 P.M.

3 -oOo-

4 Thereupon --

5 (The following comment was given at 5:48 p.m.):

6 MS. ELLEN ROSS: My name is Ellen Ross, and
7 I've lived in Las Vegas for 35 years. I am in the
8 real estate industry, and I'm here this evening
9 because I own property in Searchlight, various mine
10 claims and parcels, as well as I've sold numbers of
11 vacant parcels of land to real estate clients.

12 I am very disturbed by the idea of putting
13 an industrial wind farm around Searchlight. It's
14 within very close proximity to several of these
15 privately owned parcels, one of them being my own,
16 where the wind turbine would be approximately
17 800 feet from the edge of the property. The wind
18 turbines are projected to be 435 feet tall, with
19 blades 165 feet long.

20 The impact with such an industrial wind
21 farm affects the environment visually; also, the
22 noise of the blades rotating around; and they also
23 are an obsolete design. There are definitely more
24 modern designs than the designs that they have
25 picked for this particular wind farm.

The setback is in conformance with BLM Instructional Memorandum 2009-043, which states that no turbine on public land will be positioned closer than 1.5 times the total height of the wind turbine (approximately 640 feet) to the right-of-way boundary.

The BLM will not typically analyze an alternative for a different technology when a right-of-way application is submitted for a specific technology (e.g., evaluate a photovoltaic alternative for a concentrated solar power application) because such an alternative does not respond to the BLM's purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology.

1 Also, you have to conduit the electricity
2 underground, which means that you are running
3 electricity all the time as the wind is intermittent.
4 I don't know what the bottomline net result of
5 creating energy this is going to create, because the
6 wind is probably going to be of value maybe
7 35 percent of the time.

Comment noted.

8 The whole concept of an industrial wind
9 turbine farm in a desert community like Searchlight
10 is absurd. Searchlight and Cottonwood Cove Road are
11 the entry to the Lake Mead Recreational Area, which
12 is the fourth most highly visited national park in
13 the U.S.

Comment noted. Refer to Chapter 4-Environmental
Consequences for a discussion on the environmental
impacts of the proposed project.

14 People from California specifically target
15 this particular entry through Cottonwood Cove so
16 that they don't have to get in with the rush of
17 Lake Mead, and building turbines going down to the
18 Lake Mead Recreational Area is going to be visually
19 an eyesore, and it's going to also be a huge
20 construction hazard while or if the project is ever
21 built.

22 As far as real estate values go, an
23 industrial wind farm is not where anybody wants to
24 live. It has a flicker factor which disturbs your
25 sleep, the dark and the light shade as the blades go

The American Wind Energy Association (AWEA 2004)
states that shadow flicker is not a problem during the
majority of the year at U.S. latitudes (except in Alaska
where the sun's angle is very low in the sky for a large
portion of the year).

round, the noise; the birds that are killed by these things, just the wildlife patterns that are upset in an ecosystem which, until now, has been very pristine.

I feel that the whole project is placed in error, is going to reduce prices, real estate values by about 50 percent. I've talked to a few appraisers in areas that have been impacted, communities that have been impacted by industrial wind farms. People just have to leave the communities, and the land is devalued by at least 50 percent.

And this is not acceptable, considering that this is being put on government land that is supposed to be for the greater good of the people in Nevada. We need to protect our resources. We need to utilize our sun in a more creative, realistic manner, such as distributive solar generation.

Putting solar panels on rooftops in sunny Nevada would be a far more logical and cost effective idea. It would also be an incentive to new homeowners who are purchasing a home that might be able to become part of the green energy movement by having some solar on their rooftops.

We have a solar panel factory going in in

Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. A literature review on property value impacts has been added in Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

The BLM does not need to analyze in detail an alternative for distributed generation because such an alternative would not respond to the purpose and need to consider an application for the authorized use of public lands for a specific renewable energy technology. Additionally, the Energy Policy Act of 2005 established a goal for the Secretary of the Interior to approve at least 10,000 MWs of electricity from non-hydropower renewable energy projects located on public lands. The Act reflects Congress's conclusion that installation of renewable energy technologies on the public lands capable of producing at least 10,000 MWs is appropriate. Moreover, as described in the EIS, the Department and the BLM have issued policies and guidance promoting the development of renewable energy development on BLM-administered public lands. Given the current state of the technology, only utility-scale renewable energy generation projects are reasonable alternatives to achieve this level of renewable energy generation on public lands. Furthermore, the BLM has no authority or influence over the installation of distributed generation systems, other than on its own lands. The BLM is evaluating the use of distributed generation at individual sites through other initiatives (Executive Order 13514 and DOI implementing actions).

1 Laughlin. So let's get a game plan together that
2 makes sense for Southern Nevada. Wind farms are a
3 thing of the past and very destructive to the
4 existing communities where they are developed. I
5 would like to think that we have more respect for
6 our Mohave Desert, which is a relatively pristine
7 area. It's also part of the Spanish Trail, which
8 has various petroglyph areas.

9 And I find it highly offensive that small
10 outlying communities which surround Las Vegas should
11 be targeted as a source to generate more power -- to
12 go where? We don't even know if this wind farm,
13 which is being developed by Duke Energy, has a
14 Power-Share Agreement.

15 The creation of an industrial wind farm,
16 which is being proposed by Duke Energy, which will
17 receive various subsidies, is nothing but a green
18 bubble for energy companies to increase profits
19 temporarily and then turn the project over in another
20 five years to another corporation that will also get
21 the five-year write-off of their development period.

22 In closing, I just feel that it's criminal
23 to take a small historic community that has the
24 potential to develop as an interesting bedroom
25 community. It has a lot to offer. The hiking, the

Refer to Section 4.5-Cultural Resources for an updated discussion of impacts to Cultural Resources.

Comments noted.

1 kayaking and boating and fishing on the lower
 2 Colorado River, and an industrial wind farm does not
 3 belong in this location.

4 THE REPORTER: Okay. Thank you very much.

5 (The following comment was given at 5:58 p.m.):

6 MR. THOMAS CASEY: Thomas Casey.

7 I want to talk tonight about bats -- but,
 8 unfortunately, about the bat destruction here.
 9 These wind turbine machines kill bats. Blade strikes
 10 and baritone are the culprits. These little
 11 mammals' internal organs are too small to cope with
 12 the abrupt air pressure changes around wind turbine
 13 blades, and their little organs burst, and they are
 14 toast.

15 This is an awful consequence of wind power
 16 generation and is well studied and documented. With
 17 Searchlight's rich mining history, it's also true
 18 that this area is filled with abandoned mines and
 19 diggings. Answer this pamphlet. It's a BLM
 20 pamphlet. "Needles Field Office. Mohave Desert
 21 Bats. Abandoned mines are for bats, not people."

22 Let's read on. (Reading) Subterranean
 23 bats program. Bats in the desert choose roosting
 24 sites that might surprise you. They often roost in
 25 abandoned mines and associated structures. The

Comments noted. Impacts to bats are discussed in Section 4.4.5.8-Bats - Direct and Indirect Effects by Alternative. A Bird and Bat Conservation Strategy (BBCS) was developed for the project, which follows the guidelines of the recently published USFWS Land-Based Wind Guidelines (Appendix B-4: Bird and Bat Conservation Strategy).

1 Needles Field Office has done several projects in
2 recent years to protect bad habitat.

3 We'll read down further. (Reading)

4 Abandoned mines serve as roosting habitat for
5 several bats considered BLM sensitive and California
6 Department of Game, Fish and Game, species of
7 special concern. More than half of the 45 bat
8 species in the U.S. are in rapid decline or already
9 listed as endangered. Two thirds of these bat
10 species roost in mines. 30 of them roost in mines.

11 Well, BLM, with what we find here in your
12 literature, are you willing to bring these bat
13 killing machines to an area with all the natural
14 habitat and all this manmade habitat that bats here
15 take advantage of? BLM, with bats using this
16 additional habitat, this would be the perfect spot
17 for a wind turbine project, for the wind turbine
18 project like you propose, should you want to kill
19 more bats, increased numbers of bats.

20 Indeed, BLM, are you looking to hasten the
21 already rapid decline of half of the 45 U.S. bat
22 species and affect more severely the 30 species that
23 roost in mines and further harm those species
24 considered BLM sensitive?

25 THE REPORTER: Thank you very much.

1 (Discussion off the record.)

2 (The following comment was given at 7:22 p.m.):

3 MR. RUSSELL COON: My name is Russell Coon.
4 I'm a resident of Searchlight, actually on a mining
5 claim out of town.

6 And I'm deathly, or shall I say I'm very
7 much against the wind turbines. Their impact on the
8 environment will never be repaired. The impact on
9 the human race, animals, and other things cannot be
10 calculated because they don't have enough background
11 knowledge to say it's not harmful or it is harmful.

12 And the cost of construction, the way they
13 have it proposed presently, would be ten times than
14 what it would be if you put it out on the desert
15 flatland or in the Eldorado Valley by the present
16 substations they have there in the Eldorado Valley.
17 They already have two solar farms out there, one
18 thermovoltaic and the other photovoltaic. The two
19 solar farms is what they are, rather than wind.

20 And that's about all I could say is that
21 very, very much against it.

22 THE REPORTER: Thank you very much.

23 (Whereupon there were no more Public
24 Comments to court reporter after 7:32 p.m.)

25 -oOo-

Refer to Chapter 4-Environmental Consequences of the
EIS for an evaluation of impacts to environmental
resources.

1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA }

3 }SS:

COUNTY OF CLARK }

4
5 I, Dana J. Tavaglione, a duly commissioned
6 and licensed Court Reporter, Clark County, State of
7 Nevada, do hereby certify: That I reported the
8 proceedings had in the above-entitled matter at the
9 place and date indicated.

10 That I thereafter transcribed my said
11 shorthand notes into typewriting and that the
12 typewritten transcript of said proceedings is a
13 complete, true and accurate transcription of said
14 shorthand notes.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand, in my office, in the County of Clark, State of
17 Nevada, this 2nd day of March 2012.

18
19
20 _____
DANA J. TAVAGLIONE, RPR, CCR NO. 841

Boulder City Meeting Transcripts

REPORTER'S TRANSCRIPT
OF
PROPOSED SEARCHLIGHT WIND ENERGY PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC MEETINGS

Held at Boulder City Library
701 Adams Boulevard
Boulder City, Nevada 89005

Thursday, February 23, 2012
6:00 p.m.

Reported by: RENE' HANNAH, CCR #326

1 IN ATTENDANCE:
2 ROBERT B. ROSS, JR.
Field Manager
3 Bureau of Land Management
4 GREGORY N. HELSETH
Renewable Energy Project Manager
5 Bureau of Land Management
6 STEPHANIE LOCKE
Senior Environmental Scientist
7 New Fields
8 NANCY CHRIST
NEPA Coordinator
9 Bureau of Land Management

10
11 PRIVATE COMMENTS BY

12 ELLEN ROSS
13

14 PUBLIC COMMENTS BY

15 ELLEN ROSS

JUDY BUNDORF

16 JAMES EATON

JOHN HIATT

17 THOMAS CASEY
18
19
20
21
22
23
24
25

1 FEBRUARY 23, 2012

2 BOULDER CITY, NEVADA

3 PRIVATE COMMENTS

4 MS. ROSS: My name is Ellen Ross, R-O-S-S.

5 I am vehemently opposed to the Searchlight wind
6 turbine project. I'm a real estate broker and I am
7 currently selling short sales and foreclosures
8 because there is no land market, but just a few
9 years ago I was selling parcels in and around the
10 Searchlight, Nelson area to people from other parts
11 of the west that wanted to purchase land that was
12 like a desert retreat where you would buy anywhere
13 from, say five acres to 20 acres of raw, unimproved
14 land, and beautiful vistas and open views of Joshua
15 trees and mountains and wildlife. And with this
16 project coming into Searchlight, this is heavily
17 impacting the purchase of my clients' property. And
18 I also own property in this area. And I'm very
19 highly offended by the concept of placing 86 or 97
20 wind turbines within close proximity to the private
21 property these people have paid for. And, for
22 instance, in the area where my property is there are
23 three or four of us that have turbines very close.
24 It's 800 feet from the edge of my property. That is
25 totally unacceptable for 40-story wind turbines,

Comments noted.

1 which is 463 feet tall with blades that are like
2 300 feet wide that are going around. And that also
3 are conduit by underground electricity. Because
4 they can't run by themselves, we have to pay for the
5 power to keep the wind turbines going until they
6 kick up their wind speed. So the whole project is
7 financially, it's not feasible. It's being
8 subsidized by our money, and then the corporations
9 who get these projects such as to Duke Energy who
10 created this nightmare, they get to roll it over to
11 another company after the first five years and that
12 company gets the five years of tax write-offs. So
13 it's a continual stream of, you know, benefits to
14 corporations. There is no benefit to the community
15 and there is no benefit to private ownership. And
16 it's been time we started, you know, taking a stand
17 for people who live in small, outlying communities
18 outside of Las Vegas. This is part of the asset of
19 southern Nevada in that we have rural area with
20 pristine Mojave Desert area for hiking, biking,
21 kayaking, sailing, boating, fishing, that we honor
22 that and take care of it instead of destroy hundreds
23 of thousands of acres with ineffective methods. It
24 destroys the property values. I mean, I'm not
25 making this up. It will destroy the property values

1 by 50 percent. Have you ever heard anyone ask you,
2 "I would like to buy land next to a wind turbine"?
3 Once you devastate the ecosystem and separate things
4 like this, it's going to be gone forever. And it
5 will shut down Searchlight and it will shut down
6 Cottonwood Cove, because nobody from southern
7 California wants to drive all this way and go
8 through this lined tunnel of wind turbines. That's
9 why they're leaving southern California and trying
10 to buy land for second homes in an outlying area
11 outside of Las Vegas. So I find it highly
12 offensive, I mean, to the extent that I find it
13 criminal that we can't protect our own desert areas.
14 Boulder City wouldn't put up with this.

15 And then this is crisis management. In my
16 ever to be humble opinion, it's crisis management
17 from the context of yes, we do need alternate
18 energies, but it's not going to happen overnight.
19 And whatever changes we make are going to have to be
20 a slow, gradual process to weed out the ones that
21 don't work. We already know wind turbines are
22 highly offensive, destroy the environment, birds,
23 the wildlife, the communities, the people, and there
24 are better ways to go. And those processes are
25 unfolding. They are creating a solar photovoltaic

Section 4.12-Socioeconomic Impacts has been updated to include Impacts on Property Values. A literature review on property value impacts has been added in Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

1 factory down in Laughlin. So I would rather see
2 distributed solar energy on rooftops and pools. It
3 would be a better way to go than carving up the
4 entire desert. It's political madness.

5 PUBLIC MEETING

6 MR. ROSS: Let's get started. We do have
7 a microphone for your comments and we'll have that
8 set up, I think when we do that part of the
9 presentation. But I'm Bob Ross. I'm the field
10 manager for the BLM Las Vegas Field Office. And
11 welcome to tonight's public hearing on the Draft
12 Environmental Impact Statement for the Searchlight
13 Wind Energy Project. I want to let you know that
14 your comments are very important to us. BLM has not
15 made a decision on the project yet, so what you
16 provide us tonight will really help us with our
17 decision-making in terms of what alternatives to
18 pick, those kinds of things, what kinds of terms and
19 conditions to place on an authorization, if this is
20 authorized.

21 So I'm going to start with a few
22 introductions. With me tonight is Nancy Christ, and
23 Nancy is going to be giving the BLM's presentation.
24 That's going to take about 15 minutes, I believe,
25 something like that. And another name that you

1 probably have seen a lot of, Greg Helseth. Greg is
2 the project manager for this project. And Greg
3 works for Mark Spencer. Mark's in the back there.
4 Mark kind of oversees, supervises our Renewable
5 Energy Coordination Office in Las Vegas. And
6 Stephanie Locke is our facilitator. She's the
7 contractor that works on the environmental impact
8 statement for this project. I also wanted to
9 recognize Congressional, any kind of elected
10 officials or their representatives. I know Sara
11 Moffitt (sic), you're here representing Senator
12 Reid. Brian Wilson is also here. Brian. Brian
13 Weaver. Sorry. Yeah. Okay. Brian Weaver is here
14 with Congressman Heck's office. Thank you. And any
15 other elected officials or representatives of
16 elected officials tonight? I just want to once
17 again reiterate that your comments are very
18 important to us and we are really looking forward to
19 hearing from you.

20 Stephanie has some ground rules for the
21 public hearing portion of this meeting tonite.
22 She'll go after Nancy. But Nancy, it's your turn
23 now, so I'll turn it over to you.

24 MS. CHRIST: Thanks, Bob. Good evening,
25 everyone. My name is Nancy Christ. I'm the NEPA

1 coordinator with the BLM. I work for the Renewable
2 Energy Coordination Office. I work exclusively on
3 renewable energy projects. I'm here tonight to
4 present a brief project overview of the proposed
5 Searchlight Wind Energy Project. So let's get
6 started.

7 So what is the proposed project? Well, if
8 approved, the project would authorize Searchlight
9 Wind Energy, a wholly-owned subsidiary of Duke
10 Energy, to develop an approximately 200-megawatt
11 wind energy generation facility and all necessary
12 associated infrastructure. It will also authorize
13 Western Area Power Administration to develop an
14 interconnecting switching station which would
15 transfer the power generated from the wind energy
16 facility to the existing Western Area Power
17 Administration transmission grid. So if approved,
18 the project is capable of producing enough
19 electricity to provide, or to power 50,000 homes.

20 So where is the proposed project? Well,
21 as you can see on the map here, this red area is the
22 proposed project area. It's located adjacent to
23 Searchlight, Nevada, which is the yellow block right
24 there. Searchlight is approximately 50 miles
25 southeast of Las Vegas. It's also 40 miles north of

1 Laughlin and about 1.5 miles from the western border
2 of the National Park Services Lake Mead National
3 Recreation Area. So this area in red is the
4 right-of-way application area. It consists of
5 approximately 19,000 acres. However, if approved,
6 the project would only occupy approximately
7 163 acres. So these additional lands in the
8 right-of-way application area would be returned to
9 the BLM.

10 What is mineral segregation? Well,
11 mineral segregation as applies to this project means
12 that no new mining claims can be filed in the
13 right-of-way application area for a period of two
14 years while BLM is considering this project. So
15 mining segregation is temporary, again, a maximum of
16 two years and it does not affect any valid existing
17 mining claims. So what laws authorize the BLM to
18 grant rights-of-ways? Well, actually there are
19 several laws that authorize the BLM to grant
20 rights-of-ways, and there's a list of them here.
21 The Federal Land Policy and Management Act requires
22 the BLM to manage the land it administers for
23 multiple uses. The Title 43 of the Code of Federal
24 Regulations, that provides overall right-of-way
25 guidance, including how to process wind energy

1 right-of-ways. Section 211 of the Energy Policy Act
2 established a goal for the Secretary of the Interior
3 to approve 10,000 megawatts of non-hydro-powered
4 renewable energy projects, meaning solar, wind,
5 geothermal projects, by the year 2015.

6 And finally, there's Secretarial Order
7 3283 enhancing renewable energy on public lands.
8 And that set a priority for the entire Department of
9 the Interior, which includes the Bureau of Land
10 Management, the National Park Service and the U.S.
11 Fish and Wildlife Service to develop environmentally
12 responsible renewable energy.

13 So why is the BLM considering this
14 project? Well, in accordance with those laws on the
15 previous slides, the BLM is required to respond to
16 the applications they receive. What is the decision
17 to be made? At the end of the EIS process the BLM
18 will decide to approve or deny the right-of-way
19 application. If the project is approved, the BLM
20 will also determine what mandatory stipulations
21 would be required in the right-of-way grant. Some
22 examples of these would be an avian and bat
23 protection plan; desert tortoise monitoring before
24 construction, during and after; and a traffic safety
25 plan to insure public safety on the road that will

1 be used for the project, things like that.

2 So what are the project components? This
3 goes through a couple of slides. I have a few
4 details I'll fill in as I go. So essentially, the
5 proposed project is to install about 96 wind
6 turbines that each require a foundation as well as a
7 high-mountain transformer. The applicant has
8 proposed to use 2.3-megawatt transformers that are
9 manufactured by the Siemens Corporation. The
10 project will also require some underground electric
11 collection and communication systems. The
12 electrical collection system will collect the energy
13 from each turbine and transport it to one of two
14 on-site substations. The communication systems are
15 fiberoptic lines connected to each turbine, then
16 they connect to a central computer which actually
17 operates the turbines. That would be located and
18 operated in some maintenance facility.

19 And then there is two electrical
20 substations and 8.7 miles of overhead transmission
21 lines. Again, two substations are proposed for the
22 project, one in the southeastern portion and one in
23 the northeastern portion of the project. The 8.7
24 miles of overhead transmission lines would be 230kV
25 lines. It would be a monocled (sic) structure. And

1 additional components, the switching stations as
2 proposed by Western Area Power Administration. And
3 like I mentioned earlier, the purpose of that
4 facility is to transfer the power generated from the
5 wind energy facility to the existing transmission
6 grid. The proposed location for this is adjacent to
7 the newly constructed entrance station on Cottonwood
8 Cove for the National Park Service. Also, up to
9 four MET towers would be included. Three of those
10 have already been installed. They were applied for
11 and improved under a separate right-of-way
12 application and NEPA cross-up. The MET towers have
13 been sending wind data since 2009. They will
14 continue to be a component of the project for the
15 life of the project. And the operations and
16 maintenance building, this facility would require
17 approximately three and a half acres. It would be
18 painted to match the surrounding landscape. And
19 again, it would house a number of project components
20 including the central computers that would control
21 the turbines and access roads. 9., I think about
22 nine, maybe ten miles of existing roads would be
23 widened to a maximum width of about 36 feet. And
24 then new roads, about 27 miles of new roads would be
25 constructed to connect the turbines. So I mentioned

1 earlier, the applicant is proposing to use
2 2.3-megawatt turbines, which is manufactured by
3 Siemens Corporation. And this particular model has
4 a maximum height, excuse me. Maximum height. From
5 the ground to the tip of the rotor blade at its
6 highest position would be 427 feet. From the ground
7 to the rotor hub, approximately 252 feet. It's not
8 identified here, but I think it's an important
9 measurement. From the ground to the rotor blade at
10 its lowest position, approximately 96 feet. As you
11 can see, the rotor does have three blades. These
12 are approximately 165 feet in length and that allows
13 for the rotor-swept area, 331 feet. The slide also
14 has some pictures of a construction of a typical
15 foundation required for the Siemens 2.3 turbine.
16 What you see up here is an octagon shape and
17 foundation. It is approximately 40 to 50 feet wide.
18 It requires about 300 cubic yards of cement. And
19 then once that is constructed, it's back-filled.
20 And BLM, if they approve the project would require a
21 rehabilitation plan, so this area you see here would
22 be rehabilitated.

23 So what are the temporary components
24 during construction? As you know, with all
25 construction projects there are areas called

1 lay-down areas. There are two proposed for this
2 project. Each are about ten acres in size and they
3 will be used to store construction equipment,
4 material, while the rotors are pre-assembled and
5 whatnot. There will also be a temporary
6 construction or lay-down area at the base of the
7 turbines. I would like to point out that the
8 proposal does include that all of these materials
9 would be placed on wooden pallets or straw bales
10 while they're waiting to be assembled and
11 constructed.

12 There will be a concrete batch plant for
13 making concrete for those foundations, as well as a
14 portable rock crusher for making aggregate for the
15 road. The last two items are both mobile, and so
16 they would be moved from each lay-down area as
17 needed during the construction process.

18 So what alternatives are being considered?
19 The Draft EIS considered three alternatives; the
20 applicant's proposes action, which is a 96-turbine
21 layout; the BLM preferred alternative, which is an
22 87-wind turbine layout; and also a no-action
23 alternative. I do want to point out also that there
24 were a couple of potential alternatives that were
25 not analyzed in detail under the Draft EIS. Some of

1 you who may have been following this project, this
2 is an initiation back in 2008, you may recall a
3 161-turbine layout. That was the original proposed
4 action. Then we held some scoping meetings, and
5 based on scoping meetings, technical and
6 non-technical issues, the 161-turbine alternative
7 was discarded and not analyzed in detail by the BLM.
8 The result was a 140-turbine alternative that again,
9 was discarded by the BLM and not analyzed in detail
10 for the Draft EIS.

11 So this is the proposed action on, as you
12 can see, the 96-wind turbine layout. It would have
13 the capacity to generate up to 220 megawatts of wind
14 energy. This slide here shows streams of turbines
15 here. This inset here is a blow-up of the Western
16 Area Power Administration switching, switchyard. We
17 also have the same map that will go on some of the
18 posters here so you could see them in more detail.

19 The BLM preferred alternative to the
20 87-wind turbine alternative, this project would
21 produce approximately 200 megawatts of energy. BLM
22 determined this to be the preferred alternative
23 because it requires less land, has less impact to
24 sensitive biological resources and still met the
25 purpose and needs of the project.

1 In addition, the proposed action, the
2 96-turbine alternative would have exceeded air
3 quality emissions during construction, even after
4 mitigation. And the third alternative analyzed in
5 the EIS is the no-action alternative. And BLM
6 underneath it is required to analyze a no-action
7 alternative. Of course, this assumes BLM has not
8 approved the right-of-way application and the
9 project would not be constructed.

10 So why is this location being considered?

11 Well, BLM receives the applications and they work
12 with the Searchlight area. And again, based on the
13 existing laws and regulations we are required to
14 consider the applications as received. The purpose
15 of the DEIS is not to determine where the best site
16 for wind energy development is, but it's rather to
17 analyze the site selected and determine whether or
18 not that site is appropriate for wind energy
19 development.

20 Since the applicant has a few selection
21 criteria as well, Searchlight Wind Energy based on
22 studies has determined that the area has good to
23 excellent wind resources that are capable of a
24 utility-scale project like this. The area is close
25 to existing electrical transmission lines. That was

1 a key criteria for Western Area Power
2 Administration. It also meets BLM resource planning
3 guidelines as far siting a project in this area.
4 And then the area topography is suitable for wind
5 turbine generators. So during the public scoping
6 period that started in December of 2008 and ended in
7 2009, people who made comment at the public scoping
8 meeting as well as in agency feedback the BLM
9 received, identified those following issues. The
10 purpose of this slide is to highlight the issue.
11 For example, visual impact. You can find the
12 analysis on visual impact on page 4-61 of the Draft
13 EIS. And we also have a number of boards available
14 to this evening for viewing that highlight some of
15 these areas, too.

16 So the project schedule, or NEPA process.
17 The NEPA process for this project started with the
18 notice of intent published in the Federal Register.
19 The notice of intent essentially announced to the
20 public that the BLM intended to do an environmental
21 impact statement in order to, for this proposed
22 project. And like I said, there was an internal and
23 external scoping, and the scoping period ended on
24 February 17th, 2009. The Draft EIS was recently
25 released on January 20th, 2012, and that officially

1 started the 90-day public comment period for this
2 project. As you can see, the comment period ends
3 April 18th and the BLM will accept all comments
4 through that date.

5 So here we are at the public meeting
6 phase. This is the third of three public meetings
7 the BLM has held on the Draft EIS. Tuesday night we
8 were in Laughlin, last night we were in Searchlight,
9 and tonight, of course, here we are in Boulder City.
10 So we have got some projected dates. BLM is
11 anticipating responding to everybody's comments in
12 the Draft EIS and would be, the Final EIS has a
13 projected release date of June 30th, 2012, followed
14 by a record of decision whether to approve or deny
15 the project signed by the Secretary of the Interior
16 on July 30th, 2012. Please keep in mind these are
17 projected dates and can change depending upon time
18 required for comment analysis.

19 So thank you. This concludes my portion
20 of the project presentation. I'd like to thank
21 everybody for coming this evening. I hope that you
22 all have learned a few things about the project you
23 might not have known. We appreciate your presence.
24 I'll turn it over to you, Stephanie.

25 MS. LOCKE: We're going to start the

1 comment period here shortly, but I'm going to go
2 over how that is going to work first, then we're
3 going to take a quick two or three-minute break so
4 we can set up. And that will give you some
5 opportunities, if you didn't know that those
6 opportunities existed. So this next portion of the
7 meeting is for the BLM to receive your comments, any
8 comments. If you are for the project, if you have a
9 question, if you are against the project, your range
10 of comments, that's what the BLM is here to listen
11 to. So we're going to have people come up. So if
12 you would like to speak to the BLM, what you need to
13 do is fill out a speaker registration card. They're
14 with my colleague Sean here at sign-in table, if you
15 haven't already done so. Some people may not prefer
16 to speak in front of the group, so if that's the
17 case we have a court reporter. Her name is Angela,
18 back in the corner. You can make your comment to
19 her privately, if you would prefer. If you did
20 choose to speak up here, you're going to speak to
21 the BLM, and you get three minutes. My colleague
22 Andy is going to help you out. We'll have a timer
23 up here on the screen and he'll hold up a green card
24 when you have two minutes. When you have a minute
25 left he'll hold up a yellow card, and when your time

1 is up he'll hold up a red card. And this is so
2 everybody gets the same amount of time, and
3 hopefully, adequate time to make your comment.

4 The BLM is not going to respond to
5 questions or comments, however. Those will be
6 responded to in the Final EIS. There are a couple
7 of reasons for that. This is to maximize the time
8 that you get to comment. Also, some comments may
9 require more research and analysis. And answering
10 them in the Final EIS allows the BLM to have that
11 time to come up with a thorough, well-researched
12 answer to your question.

13 Also, let's see. We have elected
14 officials. Nobody has, none of the elected
15 officials have informed me that they want to make a
16 comment; is that correct, or their representatives?
17 So we'll start with the public comments. And I'm
18 basically going to call you up here in the order
19 that I received your speaker registration cards.
20 Please be respectful and courteous. And also, if
21 you do have questions that the BLM staff can answer
22 at this moment after this portion of the meeting,
23 there's lots of BLM staff in this room. You're
24 welcome to ask them your questions directly.

25 Another way to comment. On the front

1 table with my colleague Sean there are comment cards
2 and you can fill out your comments and mail them in
3 to the BLM, you can fax them in to the BLM, you can
4 e-mail the BLM, you can leave them here. If you
5 send them to the BLM by regular mail make sure they
6 are postmarked by April 18. Of course, the
7 electronic correspondence is much quicker so you can
8 send that 11:59 on April 18th, if you so choose. So
9 give me two or three minutes to set up. If you
10 would like to speak and haven't filled out a speaker
11 registration card, please see Sean. And any
12 questions on how the next is going to work? Okay.

13 (Recess taken.)

14 MS. LOCKE: Ellen Ross.

15 MS. ROSS: Good evening. So I saw these
16 people last night in Searchlight. So I'm here
17 again. I live in Las Vegas. I've lived here for 35
18 years. I'm not born in Nevada, but I feel like a
19 real Nevadan. I'm really attached to the desert.
20 It's grown on me. I have been in the real estate
21 business for 33 years and don't much prefer showing
22 land in short sales and foreclosures. In this
23 particular market, that's what we do. We show a lot
24 of empty homes, which brings me to my point. Nevada
25 has approximately, if you Google it, 30 plus million

Comments noted.

1 visitors a year. You Google Las Vegas, it says it
 2 has 39.2 million. So I know that's a little weird,
 3 but the point I'm trying to make is that Las Vegas
 4 is definitely a hotspot on the planet for tourism.
 5 And people don't come here just to visit the Strip
 6 anymore, they come here to visit the desert, to be
 7 part of the growing ecotourism, which is going to
 8 Death Valley, which is going down the river, which
 9 is going to various, you know, desert, visiting
 10 archeological sites and maybe eventually the fossil
 11 museum they have up in North Las Vegas. The point
 12 being, we really have a lot of researches. We have
 13 the history of Spanish Trails, we have Native
 14 American histories, Spanish cultures that were
 15 through here, and the mining history. It just
 16 overwhelms me, the uniqueness of our southwest
 17 heritage and the people that we are and where we
 18 come from. I hate to see that overlaid with sort of
 19 an industrial Disneyland in various parts of the
 20 pristine Mojave Desert, which is one of the highest
 21 preserves of natural desert in our country.

22 Part of the reason why I got involved in
 23 real estate there is because private properties
 24 there appeal to a lot of people from other countries
 25 and of the States that want to live in the desert

Section 4.12-Socioeconomic Impacts has been updated to include a discussion on Impacts on Recreation and Tourism.

Impacts to cultural resources are evaluated in Section 4.5.of the Final EIS.

Section 4.12-Socioeconomic Impacts has been updated to include potential effects property values. For further information see the newly added Appendix G: Literature Review of Socioeconomic Effects of Wind Project and Transmission Lines.

1 for their retirement homes. In saying that, I sold
2 mining claims in areas that are part of Searchlight.
3 Not in the immediate area, but within, you know, two
4 miles, one mile. It's still private property.
5 People bought that property, paid a fair market
6 value, pay property taxes on it, and now that land
7 is going to be devalued because of wind turbines.
8 Nobody has asked me if I would like to sell them a
9 property with a wind turbine next to it. Nor is
10 that, if you look at YouTube, any of the properties
11 that are in the community, it's not desirable. It
12 devalues the property 50 percent. I would like to
13 ask Duke Energy to buy out all the people that are
14 in close proximity to this project. I am one of
15 those people. 800 feet from my property is going to
16 be positioned a wind turbine. I find this totally
17 unacceptable and obnoxious. In reference to
18 Cottonwood Cove, there's a new home development down
19 there that went under. I now have the listing. I
20 put them in the computer yesterday. I went to the
21 meeting last night and had two calls when I got back
22 that evening, people interested in buying a home. I
23 will now have to disclose to those people that there
24 will be a wind turbine farm within close proximity.
25 These are people who want to retire in Searchlight,

1 paid a decent price. They paid 400 before, they'll
 2 pay a hundred to two hundred thousand now, and they
 3 want to have a retirement home in Searchlight
 4 outside of southern California. They are trying to
 5 run away from the madness that's been created in
 6 southern California.

Comments noted.

7 So in the end, what I'd like to say is
 8 that the idea of putting a wind turbine farm outside
 9 of Las Vegas in an eco area, it's just insane to me.
 10 And I think that in doing this we are defeating our
 11 purpose in moving forward as a community. And I
 12 would like to speak to Senator Reid's representative
 13 and Congressman Heck's representative, because we
 14 need more representation so we can continue our
 15 growth in a positive way where we keep our city, Las
 16 Vegas, and the eco-development tourism balanced into
 17 the future. Not just this generation, but
 18 generations in the future.

19 MS. LOCKE: Judy Bundorf?

Comments noted.

20 MS. BUNDORF: Judy Bundorf. Over on Grand
 21 Pass Road we bought ten years ago because of the
 22 Joshua Tree forest. We researched the land all
 23 around, sold by BIM. I talked to geologists, I
 24 talked to mining people, "Will anything ever happen
 25 here to destroy my views?" I was assured, oh, no,

1 that that is BLM land. They will not permit this to
 2 be destroyed. I would like to read from the DEIS.
 3 "It is the mission of the Bureau of Land Management
 4 to sustain and help diversity and productivity of
 5 the public lands for the use and enjoyment of
 6 present and future generations." I don't have
 7 children. I won't be able to sell that house. It's
 8 a beautiful home. I guess we'll just blow it up and
 9 move away. I have choices. I have another home.
 10 But referring to the environmental justice section
 11 of the DEIS which states there, few minorities or
 12 low-income people in Searchlight. And they're using
 13 2008 census data. Well, just last weekend at the
 14 Searchlight Town Board meeting there was a letter
 15 read approving, requesting the Silver Rider
 16 transport because of the large number of elderly and
 17 low-income people who live in Searchlight who depend
 18 on public transportation. You can't have it both ways.

19 So the noise level. I will be 1.25 miles
 20 from about a dozen turbines. It's very
 21 quiet out there. I hear the quail at night, hear
 22 the coyote. I've read that people that live near
 23 wind turbines, it sounds like tennis shoes in the
 24 dryer. The jet engine that never takes off, it just
 25 roars. And there's more and more studies being done

Data updated to 2010 Census.

See noise modeling in Section 4.10-Noise Impacts, for discussion on the conservative projected noise levels in the area.

Comments noted.

Section 4.14-Health and Human Safety Impacts of the document contained a detailed description of the potential effects. Mitigation to reduce fire-related risk is described in MM SAFE-4: Construction Fire Prevention Measures and APM-7.

Comments noted.

1 then get their aggregate from on-site because of the
2 rock prices. So they're not going to be buying
3 materials from Las Vegas companies. And \$500,000 a
4 year in maintenance and upkeep in Clark County and
5 Mojave County. And what, and electricians and all
6 that stuff, special for wind turbines will be coming
7 in from wherever they come from. I don't know if
8 they come from the state of Nevada, but they're not
9 going to hire 200 construction workers that are
10 unexperienced. You have to work on wind turbines to
11 get a job building the turbines. So people will
12 come in from other parts of the country to build the
13 wind turbines. And with it, add to the 200
14 construction jobs to go through and make them
15 permanent jobs that are going to go to people that
16 are trained and operating and maintaining and
17 keeping track of all this stuff and the main
18 computer, whatever, that has to hook up all these
19 turbines to run it all. So they're not going to
20 hire people from Searchlight, Clark County, they're
21 going to hire people from some other part of the
22 country to come in and build the stuff, and then
23 become executives, or they'll make the decision to
24 send somebody out to there to work. They're not
25 going to hire people from Searchlight.

1 So, you know, \$22 million in construction
 2 and all the jobs and stuff is kind of illegitimate
 3 in the fact it's not going to be local people,
 4 really, from Searchlight. Searchlight has nothing
 5 to gain from the wind turbines, except they're going
 6 to have to look at them. So there's no real upside
 7 to the people of Searchlight. The electrical
 8 company that owns, Searchlight Wind Tower, LLC, they
 9 made it an LLC to protect themselves so if something
 10 happens in the construction project where, gee, we
 11 can't mitigate the, anything, really, to foilage to
 12 plant life to animal or anything natural, they're
 13 going to protect themselves through an LLC. They're
 14 not going to do an electrical, a subsidiary that was
 15 owned and something happens, you would fold them up,
 16 protect the larger corporation. Really, the
 17 responsibility is not going to come down to the
 18 large company, it's going to come down to a small
 19 subsidiary that they can just walk away from.

20 And then you've got the sound. On the
 21 chart they show that from the distances, but they
 22 don't show prevailing winds. If it's dead calm,
 23 that's the decibel reading. So if it's dead calm
 24 the turbine doesn't spin. So what's the wind have
 25 to do to spin the turbine? That's where it's 105

The BLM will require financial bonds for all wind energy development projects on BLM-administered public lands. Refer to Appendix C: BLM Wind Energy Development Program Policies and BMPs, page A-4.

See noise modeling presented in Section 4.10.2-Direct and Indirect Effects by Alternative for discussion on the conservative projected noise levels in the area. The modeling study conducted for this project included very conservative assumptions that included all receptors being downwind from all turbines simultaneously (a physical impossibility), all turbines operating simultaneously, and the maximum sound output from the turbines under maximum wind conditions. Sound levels from the project would only be lower under lighter wind conditions.

1 decibels at the turbine. And then what's the
2 decibel reading 300 yards away when it's going full
3 speed and wind blowing towards the house. So that's
4 the kind of information that's more pertinent to
5 people that live in Searchlight. That's a nice
6 picture and I see what the noise is, but what's it
7 going to be in the real world when they're all done
8 and built and it's a little louder and then they
9 say, "Well, sorry about that," and then it's too
10 late.

11 So if we have a realistic number that
12 says, "Hey, you know what? On a really windy day
13 it's going to lift your house," that's more
14 realistic information. That's it. Thanks.

15 MS. LOCKE: Thank you for your comment.
16 John Hiatt.

17 MR. HIATT: Thank you for the opportunity
18 to comment tonight. This is a big EIS and there are
19 a lot of comments to make, so this is a short time
20 to talk about a couple things. This area on the
21 west side of the Colorado River here, this southern
22 Nevada from Boulder City on south down towards
23 Sierra Mountains is a very rich area biologically.
24 If you look at it you can see how much plant life
25 there is. And, of course, that attracts animals,

1 and particularly to the bird life. I'm sure the
2 people doing the EIS, the contractors have done
3 studies of bird species and migratory birds in here.
4 But to give you an idea how this area compares,
5 there's an inadvertent study which is being carried
6 out. Basically, it's a removal of all the mine
7 markers and seeing how many dead birds are in each
8 one of those markers. And it turns out that this
9 area around Searchlight we're talking about has one
10 of the highest mortality rates for birds in those
11 tubes than any place in southern Nevada. And now, I
12 looked at a couple last week when I was out in
13 Searchlight. I pulled out eight tubes, a total of
14 37 dead birds. There are a lot of birds being
15 killed there. And those birds are flying through
16 the air. They will be impacted by this. The one
17 species that maybe is the greatest concern are the
18 Golden Eagles. And yes, studies have been done in
19 terms of how many nests are in this area and so on,
20 but that doesn't really capture the essence of the
21 problem. For the cumulative impact for Golden
22 Eagles, for me you need to look at the entire
23 western United States in terms of wind tower
24 projects, because eagles are incredibly far-ranging
25 birds. One of the things we found out due to the

A Bird and Bat Conservation Strategy (BBCS) (formerly referred to as the Avian and Bat Protection Plan [ABPP]) has been developed for the proposed project utilizing the recommendations within the USFWS's March 2012 Land Based Wind Energy Guidelines (Refer to Appendix B-4: Bird and Bat Conservation Strategy).

1 satellite tracking devices is that eagles that may
2 breed in this area or be born in this area, they can
3 go all the way to the Arctic Ocean and back again.
4 And so they're everywhere. And so when we look at
5 the impact of the population, we have to consider
6 the entire Golden Eagle population in the United
7 States.

8 There's a project in the Tehachapis, it's
9 called the Pine Tree Project, in which six Golden
10 Eagles were killed in the last year. You figure
11 that the recruitment of the population in California
12 is estimated to be about 96 Golden Eagles per year
13 that are fledged. You look and you see that one
14 project, that basically would take out 16 percent of
15 the annual fledging of Golden Eagles. We don't need
16 to discuss very many of these projects before we
17 basically put Golden Eagles on the decline, and now
18 we're looking potentially in the future at
19 endangered species status with Golden Eagles. That
20 is not something we want to have happen. That would
21 potentially shut down all of the wind turbine
22 projects in the western United States if that
23 happens. And I think it talks about, the EIS talks
24 about mitigation and adaptive management to try and
25 solve this problem. The only way to resolve it is

1 and region that is rich with mining history. An
2 area, in fact, riddled with abandoned mines and
3 diggings. Well, enter this pamphlet, it's a BLM
4 pamphlet, Needles Field Office. Mojave Desert bats.
5 Abandoned bats are for -- excuse me. Abandoned
6 mines are for bats, not people. Let's read on.
7 Very interesting. Subterranean bat program. Bats
8 in the desert choose roosting sites that might
9 surprise you. They often roost in abandoned mines
10 and associated structures. The Needles Field Office
11 has done several projects in recent years to protect
12 bat habitat. Read down further. Abandoned mines
13 serve as roosting habitat for several species of
14 bats considered BLM-sensitive, and California
15 Department of Fish and Game species special concern.
16 More than half of the 45 bats species in the U.S.
17 are in rapid decline or are already listed as
18 endangered. Two-thirds of these bat species roost
19 in mines. And also, over here, there's evidence of
20 groups and sites that seriously threaten the
21 population. The BLM in light of, or given BLM that
22 the search point areas that are invariably
23 political, those abandoned mines, and have all the
24 desert southwest natural habitat that so many bat
25 species use, this would be the perfect spot for

1 these wind turbine projects you propose. If you
2 wanted to kill more bats, if you wanted to kill
3 increased numbers of them, indeed, BLM, are you
4 looking to hasten the already rapid decline of
5 45 -- of half of the 45 U.S. bat species, more than
6 half? Are you looking to more seriously affect the
7 30 bat species that roost in mines, all of this by
8 BLM literature? Are you looking to further and more
9 seriously affect those species considered
10 BLM-sensitive? And I would also add that the
11 construction of such a wind power facility would
12 certainly provide the disturbance to affect,
13 seriously, roosting bat species.

14 MS. LOCKE: Thank you for your comment.
15 That is all the speakers' comments. At this time
16 there are two court reporters still available and
17 will be available for the duration. And so, it's 25
18 minutes until 8:00.

19 (Whereupon, proceedings were concluded at
20 8:00 p.m.)

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22
23
24
25

CERTIFICATE OF REPORTER

STATE OF NEVADA)
) ss:

COUNTY OF CLARK)

I, Rene' Hannah, Certified Court Reporter,
 do hereby certify:

That I reported the PUBLIC MEETING OF
 PROPOSED WIND ENERGY PROJECT, commencing on
 Thursday, February 23, 2012, at 6:00 p.m.

That I thereafter transcribed my said
 shorthand notes into typewriting and that the
 typewritten transcript is a complete, true and
 accurate transcription of my said shorthand notes.

I further certify that I am not a relative
 or employee of counsel of any of the parties, nor a
 relative or employee of the parties involved in said
 action, nor a person financially interested in
 the action.

IN WITNESS WHEREOF, I have set my hand in
 my office in the County of Clark, State of Nevada,
 this _____ day of _____, 2012.

 RENE' R. HANNAH, CCR NO. 326